Parliamentary Debates.

VOL. XXIV.

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By whom all Communications for this Work, and also for the

"PARLIAMENTARY HISTORY OF ENGLAND,

FROM THE EARLIEST PERIOD TO THE YEAR 1803,"

will be attended to.

THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME.

VOL. XXIV.

COMPRISING THE PERIOD

BETWEEN THE MEETING OF THE NEW PARLIAMENT ON THE

21TH OF NOVEMBER 1812 AND THE 9TH OF MARCH 1813.

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1813.

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AN ALPHABETICAL LIST

OF

THE HOUSE OF COMMONS:

AS RETURNED FOR THE NEW PARLIAMENT,

Which met on the 24th of November, 1812.

[THOSE PRINTED THUS * ARE NEW MEMBERS.]

Abbot, right honourable Charles, Speaker, Oxford University
*Abercrombie, honourable Geo., Clackmannan-shire.
Abercromby, hon. James, Calne
*Abercromby, Robt. Bamffshire
*Ackland, Sir T. D. Devonshire
Addington, right hon. J. H. Harwich
*Alexander, James, Old Sarum
Allan, Alexander, Berwick
Althorpe, viscount, Northamptonshire
Andrews, Miles Peter, Bewdley
Anson, col. George, Litchfield
*Anstruther sir John, Anstruther, &c.
*Apsley, lord, Cirencester
Arbuthnot, right hon. Sir Charles, Orford
Archdall, Mervyn, Fermanagh
Astell, William, Bridgewater
Astley, sir J. H. bart. Norfolk
*Atherley, Arth. jun. Southampton
*Atkins, John, London
Attersoll, John, Wootton Basset
Aubrey, sir John, bart. Steyning
Babington, Thomas, Leicester
Bagwell, right hon. William, Clonmell
Baillie, George, Berwickshire
Baker, John, Canterbury
Baker, Peter Wm., Corff Castle
Bankes, Henry, Corff Castle
Barham, J. Foster, Stockbridge
Baring, sir Thomas, Chipping Wycombe
Baring, Alexander, Taunton
Barry, right hon. John M., Cavan
*Barnard, lord, Durham County
*Barne, Michael, Dunwich
*Bastard Edmund P., Dartmouth
Bastard, John Pollexfen, Devonshire
Bathurst, right hon. Charles, Bodmyn
*Bathurst, hon. W. L., Weobly
*Beach, Wm. Hicks, Malmsbury
Beach, Michael Hicks, Cirencester
Beaumont, colonel T. R., Northumberland
Beckford, William, Hindon
*Bective, lord, Meath
Bennet, hon. H. G., Shrewsbury
*Benson, Ralph, Stafford
Bentinck, lord W. C., Nottinghamshire
Beresford, sir William Carr, Waterford County
Beresford, right hon. lord G., Coleraine
Bernard, Thomas, jun., King's County
Bernard, viscount, Cork County
*Bernard, hon. Richard Boyle, Bandon-bridge
*Best, serj. W. D. Bridport
Bewicke, Calverley, Winchilsea
Blachford, Barrington P., Newtown, Hants
Blackburne, John, Lancashire
Blackburne, J. Ireland, Newton, Lancashire
*Bloomfield, colonel Benjamin, Plymouth
*Blunden, colonel Overington, Kilkenny
*Boughey, sir J. Fenton, Newcastle under-Line
Bouverie, Charles H., Dorchester
*Bouverie, Charles D., Downton
Bowyer, sir George, Abingdon
Bradshaw, Rob. Haldan, Brackley
Bradshaw, hon. A. C. Castle Rising
Brand, hon. Thomas, Hertfordshire
Brien, sir Edward, bart.; Clare county
*Broadhead, Theod. Henry, Wareham
*Broadhurst, John, Weymouth
Brodrick, hon. William, Whitchurch
Brogden, James, Launceston
Brooke, lord, Warwick
*Brooke, Chas., Chippenham
Browne, right hon. Denis, Mayo
Browne, Anthony, Heydon
Brownlow, Wm. Armagh county
Bruce, lord, Marlborough
Bruce, John, St. Michael
*Bruen, Henry, Catherloghshire
*Brydges, sir Samuel Egerton, Maidstone
*Butler, Charles, West Looe
*Buller, Anthony, West Looe
Buller, Vice-admiral, sir Edward, East Looe
Buller, James, Exeter
Burdett, sir Francis, bart., Westminster
Burghersh, lord, Lyme Regis
Burrell, sir Charles M. bart. New Shoreham
Burrell, Hon. P. R. D., Boston
*Burrell, Walter, Sussex
Butler, hon. James, Kilkenny county
*Butterworth, Joseph, Coventry
Byng, George, Middlesex
Calcraft, John, Rochester
Calvert, John, Huntingdon
Calvert, Nicholson, Hertford
*Calvert, Charles, Southwark
Campbell, lord John, Argyllshire
Campbell, admiral George, Carmarthen
Campbell, gen. Duncan, Rothsay
Campbell, general Alexander, Dunfermlin
Canning, right hon. George, Liverpool, also for Petersfield
Canning, col. George, Sligo
Carew, right hon. R. Pole, Lostwithiel
*Carew, Rob. Shapland, Wexford county
Cartwright, Wm. Ralph, Northamptonshire
*Casberd, Robert Matt. Milborne Port
Castlereagh, viscount, Clithero, also for Down county
Cavendish, lord G. A. H., Derbyshire
Cavendish, Hen. F. C., Derby
*Cawthorne, J. Fenton, Lancaster
Chaloner, Robert, Richmond, Yorkshire
Chaplin, Charles, Lincolnshire
*Chichester, Arthur, Carrickfergus
Chute, William, Hampshire
Clements, colonel Hen. John, Leitrim
Clerke, sir George, Edinburghshire
Clinton, Gen. Hen. Boroughbridge
Clinton, gen. William Henry, Boroughbridge
Clive, William, Bishop's Castle
Clive, Henry, Ludlow
Clive, viscount, Ludlow
Cochrane, lord, Westminster
Cocks, James, Ryegate
*Cocks, honourable John Som. Ryegate
Coke, Thomas William, Norfolk,
Coke, Edward, Derby
Cole, hon. gen. G. L. Fermanagh
*Colley, Thomas, Cricklade
*Collins, Hen. Powell, Taunton
*Colquhoun, right honourable A. Dumbartonshire
Combe, Harvey Christian, London
Compton, earl, Northampton
*Congreve, gen. sir W., Gatton
Cooper, Edw. Singe, Sligo county
*Coote, sir Eyre, Barnstaple
Cotes, John, Shropshire
*Cotter, James Laurence, Mallow
Cotterell, Sir J. Geers, bt. Herefordshire

Cotton, gen. sir S., Newark-upon Trent
*Coulthurst, sir N. Conway, Cork city
*Courtenay, William, Exeter
Courtenay, T. Peregrine, Totness
*Courtenay, John, Appleby
Cowper, hon. E. Spencer, Hertford
Creevey, Thomas, Thetford
Crickett, Robert Alex., Ipswich
Croker, John Wilson, Athlone
*Crosby, colonel James, Kerry
Curtis, sir William, bart., London
Curzon, hon. Robert, Clithero
Daly, right honourable D. Bowes, Galway
*Daly, James, Galway
Dashwood, sir H. G. W., Woodstock
Davenport, Davies, Cheshire
Davis, Richard Hart, Bristol
*Davis, Hart, jun., Colchester
*Dawkins, Henry, Aldborough
Dawkins, James, Hastings
Dawson, Rich. Tho. Monaghan.
*Denys, Geo. Wm. Kingston-upon-Hull
Desart, earl of, Bossiney
Dickenson, William, Somerset
Dillon, hon. Henry Augustus, Mayo county
Disbrowe, col. Edward, Windsor
*Douglas Wm Robert Keith, Annan, &c.
*Douglas, hon. F. S. N, Banbury
*Doveton, colonel Gabriel, Lancaster
*Dowdeswell, John Edm. Tewkesbury
Drake, W. Tyrwhitt, Agmondesham
Drake, Tho. Tyrwhitt, Agmondesham
Drummond, George H. Kincardineshire
*Drummond, James, Perthshire
Duckett, col. George, Plympton
*Duckworth, sir J. T., Romney
Dufferin, lord, Aldeburgh
Dugdale, Stratf. Dugdale, Warwickshire
Duigenan, right hon. Dr. P. Armagh Borough
Duncannon, viscount, Malton
*Duncombe, Chas., Heytesbury
Dundas, col. Charles, Berkshire
Dundas, right hon. William, Edinburgh
Dundas, hon. Lawrence, York
*Dunlop, Major General James, Kirkcudbright
*Ebrington, lord, Buckingham
*Edmonstone, sir Charles, Stirlingshire
Egerton, John, Chester
*Egerton, Wilbraham, Cheshire
Eliot, hon William, Liskeard
Elliot, right hon. William, Peterborough
*Elliot, hon. Gilbert, Roxburghshire
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*Ellison, Cuthbert, Newcastle-upon-Tyne
Estcourt, Tho. Grimston, Devizes.
*Everett, James Hague, Ludgershall
*Faulkiner, Fred. John, Catherlogh
Fane, Gen. Henry, Lyme Regis
Fane, John, Oxfordshire
Farmer, Samuel, Huntingdon
Farquhar, James, Brechin
*Fawcett, Henry, Carlisle
Fazakerley, J. N, Lincoln
Featherstone, sir Thos. Longford
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Fellowes, Wm. Henry, Huntingdonshire
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Ferguson, Ronal. Crawf., Kirkaldy, &c.
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Fitzgerald, Augustine, Clare
Fitzgerald, hon. lord H., Kildare
Fitzgerald, right hon. M., Kerry
*Fitzgerald, right hon. James Ennis
Fitzhugh, William, Tiverton
Fitzpatrick, right hon. R., Tavistock
Fitzroy, lord Charles, St. Edmund's Bury.
Fitzroy, right hon. lord J., Thetford
*Flood, sir Frederick, Wexford county
Foley, hon. Andrew, Droitwich
Foley, col. Thomas, Herefordshire
Folkes, sir Martin B. bart., King's Lynn
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Forbes, viscount, Longford
*Forbes, Charles, Beverley
Forrester, Cecil W., Wenlock
*Forster, F. T. H., St. Edmund's Bury
Foster, right hon. John, Lowth
Foulkes, Evan, Stamford
Frankland, col. William, Thirsk
Fremantle, William Henry, Buckingham
French, Arthur, Roscommon
Fynes, Henry, Aldborough
*Garrow, sir William, Eye
Gascoyne, gen. Isaac, Liverpool
*Gaskell, Benjamin, Malden
*Geary, sir William, Kent
*Gell, P. Penryn
Giddy, Davies, Bodmyn
Gipps, George, Rippon
Gooch, Thomas Sherlock, Suffolk
Gordon, William, Worcester
*Gordon, Robert, Wareham
Goulbourne, Henry, St. Germain's
Gower, earl, Newcastle-under-Line
Gower, Lord, G. L Staffordshire
Graham, sir James, Carlisle
Grant, Charles, sen., Invernessshire
*Grant, Charles, junior, Inverness, &c.
Grant, colonel Francis W., Elginshire
*Grant, Alex. Cray, Tregony
*Grant, John Peter, Great Grimsby
Grattan, right hon. Henry, Dublin city
*Graves, lord, Oakhampton
Greenhill, Robert, Thirsk
Grenfell, Pascoe, Great Marlow
Grosvenor, gen. Thomas, Chester
Guise, sir B. William, Gloucestershire
Gunning, George William, East Grinstead
*Gurney, Hudson, Shaftesbury
Hall, Benjamin, Westbury
Halsey, Joseph, St. Albans
Hamilton, lord Arch., Lanerkshire
Hamilton, Hans, Dublin county
*Hamilton, sir H. D., Ayrshire
*Hammersley, Hugh, Helleston
Hanbury, Wm., Northampton
*Harcourt, John, Leominster
*Hare, hon. Richard, Cork county
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*Harvey, Charles, Norwich
*Hawthorn, Charles Stewart, Downpatrick
Heathcote, Thomas Freeman, Hampshire
*Heathcote, sir G. bart., Rutland
Henniker, lord, Stamford,
Herbert, hon. Charles, Wilton
Herbert, Hen. Arth., Tralee
Heron, major general Peter, Newton, Lancashire
*Heron, sir Robt., Great Grimsby
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*Hobart, Rob .Geo., St Michael
Hobhouse, sir Benjamin, Hindon
Hodson, John, Wigan
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Holford, George Peter, Dungannon
Holmes, William, Tregony
Holmes, sir Leon. Th. W., Newport, Hants
*Holmes, R. F. Worsley, Newport, Hants
*Honyman, R. B. J. jun., Orkney
*Hood, hon. Sam., Heytesbury
Hope, adm. Wm. J., Dumfriesshire
Hope, hon. gen. Charles, Haddingtonshire
Hope, hon. Alex., Linlithgowshire
*Hornby, Edmund, Preston
*Horne, Wm., Helleston

Horrocks, Samuel, Preston
Houblon, John Archer, Essex
Howard, hon. Wm., Morpeth
Howard, hon. col. F. G. Castle-rising
Howorth, Humphrey, Evesham
Hughes, colonel W. Lewis, Wallingford
Hume, Wm. Hoare, Wicklow
Hume, sir Abraham, Hastings
Huntingfield, lord, Dunwich
Hurst, Robert, Horsham
Huskisson, William, Chichester
Hussey, William, New Sarum
Hussey, Thomas, Aylesbury
*Innis, Hugh, Dornock, &c.
Irving, John, Bramber
Jackson, John, Dover
Jekyll, Joseph, Calne
Jenkinson, Charles, Dover
Jenkinson, hon. C. C. C. Bridgenorth
Jocelyn, viscount, Lowth
Johnes, col. Thomas, Cardiganshire
Johnstone, George, Heydon
Johnstone, hon. A Coch., Grampound
Jolliffe, col. Hylton, Petersfield
Keane, sir John, bart. Youghall
Keck, George Anth. Lee, Leicestershire
Keene, Whitshed, Montgomery
Kemp, Thomas Read, Lewes
Kenrick, William, Bletchingley
Kensington, lord, Haverfordwest
*Kibblewhite, James, Wootton Basset
*Kindlay, Kirkman, Glasgow
King, sir J. Dashwood, bart.; Chipping Wycombe
Kingston, John, Lymington
*Kirkwall, lord, Denbigh
Knatchbull, sir Edw. bart.; Kent
Knox, Thomas, Tyrone
*Lacon, Edm. Knowles, Yarmouth, Norfolk
*Lamb, Thos. Phillipps, Rye
Lambton, Ralph John, Durham
Langton, col. W. Gore, Somersetshire
Lascelles, lord viscount, Northallerton
Lascelles, hon. H., Yorkshire, also for Pontefract
Latouche, David, jun. Catherloghshire
Latouche, Robert, Kildare
Latouche, John, Leitrim
Leach, John, Seaford
*Leader, Wm., Camelford
Lefevre, Charles Shaw, Reading
Leigh, James Henry, Bedwin
Leigh, Robert Holt, Wigan
*Leigh, major Charles, New Ross
Lemon, sir Wm. bart.; Cornwall
Lemon, colonel John, Truro
Leslie, col. Charles P., Monaghan
Lester, Benjamin Lester, Poole
*Lewis, Thomas F., Beaumaris
Littleton, Edw. John, Staffordshire
Lloyd, James M. Steyning
Lloyd, Hardress, King's county
Lloyd, sir Edw. Price, Flint
Lockhart, col. William Elliot, Selkirk
Lockhart, J. Ingram, Oxford
Loftus, general Wm. Yarmouth, Norfolk
Long, right hon. Charles, Haslemere
Long, Richard Godolphin, Wiltshire
Longfield, col. Mountiford, Cork city
*Lopes, sir M. Masseh, Barnstaple
Lovaine, lord, Berealston
Lowndes, William, Buckinghamshire
Lowther, lord, Cockermouth
Lowther, John, Cockermouth, also for Cumberland
Lowther, col. James, Appleby
*Lowther, hon. H. Cecil, Westmoreland
*Lubbock, John Wm. Leominster
Lushington, Steph. R., Canterbury
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*Luttrell, J. F. jun., Minehead
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Lyttleton, hon. W. H. Worcestershire
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*Macdonald, Ronald George, Plympton
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*Maitland, gen. hon. Thomas Jedburgh, &c.
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Manners, general Robert, Cambridge
Manners, hon. Robert, Leicestershire
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*Methuen, Paul, Wiltshire
*Meyler, Richard, Winchester
Mildmay, sir H. St. J. C. St. J. Winchester
Miller, sir Thomas, bart., Portsmouth
Mills, Charles, Warwick
*Milne, Alex., Cullen, &c.
Milnes, Robert P., Pontefract
Milton, viscount, Yorkshire
*Mitford, Wm, New Romney
Molyneux, H. T. Howard, Arundel
Molyneux, H. Howard, Gloucester
Monck, sir C. M. L. bart., Northumberland
Montgomery, sir J. bart., Peebleshire
Montgomery, sir H. C., Yarmouth, Hants
Moore, Peter, Coventry
Moore, lord Henry, Lisburne
Moorsom, admiral Rob., Queenborough
Mordaunt, sir Charles, bart., Warwickshire
Morgan, sir Charles, bart., Monmouthshire
*Morgan, Charles, Brecon
Morland, Scrope Bernard, St. Mawes
Morpeth, lord viscount, Cumberland
Morris, capt. Robt., Gloucester
Mostyn, sir Thomas, bart., Flintshire
Muncaster, lord, Westmoreland
Mundy, Edward Miller, Derbyshire
Murray, gen. sir John, Weymouth
*Neale, sir Harry, Lymington
Needham, hon gen F., Newry
*Neville, Richard, Wexford
Neville, hon Richard, Berkshire
Newark, visc., Nottinghamshire
Newport, right hon. sir J. bt. Waterford
Nicholl, right hon. sir J., knight, Bedwin
Noel, Ch. N., Rutland
North, Dudley, Richmond, Yorkshire
Northey, William, Newport, Cornwall
Nugent, lord, Aylesbury
Odell, col. William, Limerick county
*Ogle, Henry Meade, Drogheda
O'Hara, Charles, Sligo county
O'Neill, hon J. R. Bruce, Antrim
Onslow, hon. T. C., Guildford
*Onslow, Arthur, Guildford
Ord, William, Morpeth
*Osbaldeston, George, East Retford, Notts
Osborne, lord F. G., Cambridgeshire
*Osborne, John, Queenborough
Ossulston, lord, Knaresborough

Owen, sir John, bart., Pembrokeshire, also for Pembroke
Paget, hon. major Berkeley, Anglesea
Paget, hon. captain Charles, Carnarvon
Paget, hon. Edward, Milborne Port
Pakenham, hon. Herc. R., Westmeath
Palmer, lieut. col. Charles, Bath
Palmerston, lord viscount, Cambridge University
Parnell, sir Henry, bart. Queen's county
Peel, sir Robert, bart., Tamworth
Peel, right hon. Robert, Chippenham
Peirse, Henry, Northallerton
Pelham, hon. Charles Anderson, Lincolnshire
Pelham, hon. G. A., Newton, Hants
*Pellew, Pownoll Bastard, Launceston
Percy, hon. Josceline, Berealston
Perring, sir John, Hythe
*Phillips, George, Ivelchester
Phipps, hon. gen. Edm., Scarborough
Piggott, sir Arth. knt. Horsham
Pitt, Wm. Morton, Dorsetshire
*Pitt, Joseph, Cricklade
Plumer, sir Tho. knt., Downton
*Plumer, Wm., Higham Ferrers
*Plunkett, right hon. W. C. Dublin University
Pocock, George, Bridgewater
Pole, hon. W. W., Queen's county
Pole, sir Ch. Morrice, bart., Plymouth
Ponsonby, right hon. G. Peterborough
Ponsonby, hon. Fred., Galway
*Ponsonby, hon. Frederick, Kilkenny county
*Ponsonby, hon. col. W., Londonderry
Porcher, J. Dupre, Old Sarum
Porter, gen. George, Stockbridge
Portman, Edw. Berkeley, Dorsetshire
Powell, John K., Shropshire
Power, Rich., Waterford county
Poyntz, W. Stephen, Callington
Prendergast, Mic. G., Saltash
*Preston, Richard, Ashburton
Price, Richard, New Radnor
*Pringle, major general W. H., St. Germains
Prittie, hon. F. Aldborough, Tipperary
*Protheroe, Edward, Bristol
Pym, Francis, Bedfordshire
Quin, hon. Windham, Limerick county
*Raine, Jonathan, Newport, Cornwall
Ramsbottom, Jn. jun., Windsor
*Ramsden, J. C., Malton
*Rancliffe, lord, Nottingham
*Rashleigh, Wm., Fowey
Richardson, William, Armagh county
*Riddell, sir J. B., Selkirk, &c.
*Ridley, Matt. White, Newcastle-upon-Tyne
Robarts, Abr., Worcester
Robinson, gen. John, Bishop's castle
Robinson, hon. Frederick John, Rippon
*Robinson, George Abercrombie, Honiton
*Robson, Rich. Bateman, Shaftesbury
Rochfort, Gustavus, Westmeath
*Rogers, sir John Leman, Callington
Rose, right hon. George, Christchurch
Rose, Geo. Henry, Southampton
*Rose, col. Hugh, Cromartyshire
*Rowley, sir Wm., Suffolk
*Round, John, jun., Ipswich
*Russell, lord George William, Bedford
Russell, lord William, Tavistock
Russell, Matthew, Saltash
Ryder, right hon. Richard, Tiverton
Saville, Albany, LL. D., Oakhampton
*Saxton, sir Charles, Malmesbury, also for Cashel
*Scott, Samuel, Camelford
Scott, right hon. sir W. knight, Oxford University
Scudamore, Richard Phil., Hereford
Sebright, sir John S. Hertfordshire
Seymour, lord Robert, Carmarthenshire
*Shakespeare, Arthur, Portarlington
Shaw, Robert, Dublin city.
Shaw, sir James, London
*Shaw, Benjamin, Westbury
Sheldon, Ralph, Wilton
Shelley, Timothy, New Shoreham
Shiffner, George, Lewes
Shipley, William, St. Mawes
Simeon, John, Reading
Simpson, hon. John, Wenlock
Simson, George, Maidstone
Singleton, Mark, Eye
Smith, Joshua, Devizes
Smith, Samuel, Leicester
Smith, George, Wendover
Smith, Abel, Wendover
Smith, John, Nottingham
Smith, Tho. Assheton, Andover
Smith, William, Norwich
*Smith, Christopher, St. Albans
*Smith, Robert, Grantham
Smith, George, Midhurst
Smyth, John Henry, Cambridge University
Sneyd, Nathaniel, Cavan
Somerset, lord Arthur, Monmouthshire
Somerset, lord Cha. Monmouth
Somerset, right hon. R. E. H. Gloucestershire
Somerville, sir M. bart., Meath
Speirs, Arch., Renfrewshire
Spencer, lord Fran. A., Oxfordshire
Staniforth, John, Kingston-upon-Hull
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*St. Paul, col. H. H., Berwick
*St. Paul, H. D. C., Bridport
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Stewart, sir James, bart., Donegal-county
Stewart, hon. gen. C. W., Londonderry county
*Stewart, hon. gen. W., Wigtownshire
Stewart, hon. maj. general, J. K., Stranraer, &c.
Stewart, right hon. sir James, Tyrone
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Strutt, colonel Joseph Holden, Malden
Stuart, lord William, Cardiff
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*Sullivan, sir Henry, Lincoln, also for Rye
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Sutton, right hon. C. M., Scarborough
*Sutton, sir Thomas, Surry
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Symonds, Tho., Powell, Hereford
Talbot, Rich. Wogan, Dublin county
*Talbot, sir Charles, Bletchingley
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Taylor, Charles William, Wells
Taylor, M. Angelo, Poole
*Teed, John, Crampound
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Thompson, sir T. B. bart., Rochester
Thompson, Thos., Midhurst
Thornton, Robert, Colchester
Thornton, Henry, Southwark
*Thornton, lieutenant gen. W., Woodstock
Thynne, lord John, Bath
Tighe, William, Wicklow
*Tomlins, W. Edward, Christchurch
Townshend, lord John, Knaresborough
Townshend, hon. W. A., Whitchurch
*Townshend, lord C. V. F., Tamworth
*Trail, Henry, Weymouth, &c.
Tremayne, John Hearle, Cornwall
Tudway, Clement, Wells
Vanderheyden, David, East Looe

*Vane, hon. W. J. F., Winchelsea
Vansittart, right hon. N., Harwich
Vaughan, hon. John, Cardigan
Vaughan, sir R. W. bart., Merionethshire
Vereker, right hon. col., Limerick
Vernon, George, G. V., Litchfield
Vyse, Rich. W. H. H., Honiton
Wallace, right hon. T., Weymouth, &c.
Walpole, lord Horatio, King's Lynn
Walpole, hon. general George, Dungarvon
Ward, Robert, Haslemere
Ward, hon. J. W., Ivelchester
*Warre, John Ashley, Lostwithiel
Warrender, sir G., Truro
*Webster, sir G. bart., Sussex
Wedderburne, sir David, bart., St. Andrews, &c.
Welby, Wm. Earle, Grantham
*Wellesley, W. Long, St. Ives
Wellesley, Richard, Yarmouth, Hants
Wemyss, gen. Wm., Fifeshire
Western, Charles Callis, Essex
Wharton, John, Beverley
Wharton, Richard, Durham city
Whitbread, Samuel, Bedford
*White, Matthew, Hythe
Whitmore, Thomas, Bridgenorth
Wigram, Robert, Fowey
*Wilberforce, William, Bramber
Wilder, general Francis John, Arundel
Wilkins, Walter, Radnorshire
Williams, Owen, Great Marlow
*Williams, Robert, jun., Dorchester
Williams, sir Robert, bart., Carnarvonshire
Willoughby, Henry, Newark-upon-Trent
*Wilson, colonel Tho., Stafford
Winnington, sir Tho. Edward, Droitwich
*Wise, Ayshford, Totness
Wood, sir Mark, Gatton
Wood, col. Thomas, Breconshire
Wortley, J. A. Stuart, Bossiney
*Wright, John Atkyns, Oxford
*Wrottesley, Henry, Brackley
Wyatt, Charles, Sudbury
Wyndham, Thomas, Glamorganshire
Wynn, sir W. Williams, bart. Denbighshire
Wynn, Charles Watkin Wm., Montgomeryshire
Yarmouth, earl of, Antrim
Yorke, right hon. Ch. P., Liskeard
Yorke, adm. sir J. S., Sandwich

LIST OF THE

PRINCE REGENT'S MINISTERS,

As it stood at the Opening of the New Parliament, Nov. 24, 1812.

CABINET MINISTERS.

Earl of Harrowby - - - - - - - -	Lord President of the Council.
Lord Eldon - - - - - - - - - -	Lord High Chancellor.
Earl of Westmoreland - - - - -	Lord Privy Seal.
Earl of Liverpool - - - - - - - - -	First Lord of the Treasury (Prime Minister)
Right Hon. Nicholas Vansittart - - - -	Chancellor and Under-Treasurer of the Exchequer.
Lord Viscount Melville - - - - - - -	First Lord of the Admiralty.
Earl Mulgrave - - - - - - - - - -	Master-General of the Ordnance.
Lord Viscount Sidmouth - - - - - -	Secretary of State for the Home Department.
Lord Viscount Castlereagh - - - - -	Secretary of State for Foreign Affairs.
Earl Bathurst - - - - - - - - - -	Secretary of State for the Department of War and the Colonies.
Earl of Buckinghamshire - - - - -	President of the Board of Controul for the Affairs of India.
Right Hon. Charles Bathurst - - - -	Chancellor of the Duchy of Lancaster.

NOT OF THE CABINET.

Right Hon. George Rose - - - - - -	Treasurer of the Navy.
Earl of Clancarty - - - - - - - - -	President of the Board of Trade.
Right Hon. F. J. Robinson - - - - -	Vice-President of the Board of Trade.
Right Hon. Charles Long - - - - - -	Joint Paymaster-General of the Forces.
Lord Charles Somerset - - - - - - -	Joint Paymaster-General of the Forces.
Earl of Chichester - - - - - - - -	Joint Postmaster-General.
Earl of Sandwich - - - - - - - -	Joint Postmaster-General.
Viscount Palmerston - - - - - - - -	Secretary at War.
Right Hon. Charles Arbuthnot - - - -	Secretaries of the Treasury.
Richard Wharton, esq. - - - - - - -	Secretaries of the Treasury.
Sir William Grant - - - - - - - -	Master of the Rolls.
Sir Thomas Plumer - - - - - - - -	Attorney General.
Sir William Garrow - - - - - - - -	Solicitor General.

PERSONS IN THE MINISTRY OF IRELAND.

Duke of Richmond - - - - - - - -	Lord Lieutenant.
Lord Manners - - - - - - - - - -	Lord High Chancellor.
Right Hon. Robert Peel - - - - - -	Chief Secretary.
Right Hon W. Fitzgerald - - - - -	Chancellor of the Exchequer.

Parliamentary Debates

During the First Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Twenty-fourth Day of November, in the Fifty-third Year of the Reign of H' Majesty King GEORGE the Third.

HOUSE OF LORDS.

Tuesday, November 24, 1812.

MEETING OF THE NEW PARLIAMENT.] This being the day appointed for the meeting of the New Parliament, the Lord Chancellor came to the House about a quarter past two o'clock, and having taken his seat upon the woolsack, he immediately rose and said, "My lords, I have to acquaint you, that his royal highness test Prince Regent not being able to ... con- in person this day, has been pleased ... he issue, in the name and on behalf of ... Majesty, a Commission under the Great Seal, empowering certain Commissioners, named therein, to open this present Parliament." The Lords Commissioners then present, namely, his royal highness the duke of York, his royal highness the duke of Cumberland, the Lord Chancellor, the earl of Liverpool, and the earl of Westmoreland, being robed and having taken their seats, the Gentleman Usher of the Black Rod (sir Thomas Tyrwhitt) ... commanded to order the attendance the the Commons, a number of whom upon with appeared, preceded by the ... ect. the House. The Commission was ... but read, and the Lord Chancellor sp... ndour follows: "My lords, and gentlemen ... ac- the House of Commons; We have ... st the command from his royal highness ... me, Prince Regent, to let you know, th... ying will, as soon as the members of ... very Houses shall be sworn, declare to ... very causes of his calling this Parl... the House) it being necessary ... esteem and regard, House of Commons ... spect, to which the

... é mo- ... d friend, experience, ... do justice to ... ever, some satis- it is his royal highness ... at the claims which gent's pleasure, th... port, are such as have the House of C... nised by the House in the place where you ... d known integrity which the choice of ... so often and conspicuously ... be your Speaker, by Mr. Abbot. It is m... nt such person, that no man who has ... ive o'clock, for ... duct of that gentle... royal approba- tion, period in which he ... immediately with- tant, the elevation ... commissioners retired Speaker of th... their return the House re- ferent ... prayers were read. The unan... Chancellor then took the oaths singly ... the table; after which the other peers present, took the oaths and their seats in the usual manner. The earl of Mulgrave was introduced by the Garter King at Arms, between the earls of Westmoreland and Harrowby, and his patent of creation read; he also took the oaths and his seat.

HOUSE OF COMMONS.

Tuesday, November 24.

CHOICE OF A SPEAKER.] At three o'clock, when nearly 200 members, pre- ... sly sworn in by lord Cholmondeley, ... steward of the Prince Regent's ... hold) in the long gallery, were pre- situate... their own House, they were sum- ... by the Black Rod, to attend at the ... the House of Peers, to hear the ... on read for assembling the pre- ... Parliament. The great majority ac- ... accompanied the senior clerk, ... to the upper House, and on ... after a short pause, ... hon. Sir *John Nicholl* rose, and ... himself to the Deputy to the ... House (who standing up,

pointed to him, and then sat down) spake to the effect following:

Mr. Ley;—The Message from the sovereign, which has just been delivered, having recommended the choice of a Speaker to the immediate attention of the House, it seems proper that we should proceed without delay to that highly interesting function; a function which is justly considered as the ancient and undoubted privilege of the House, and the proper exercise of which, is of the utmost importance to the character and honour of the House itself, to the rights and liberties of the people, and conse-[illegible]tly to the welfare, prosperity, and [illegible]ess of this great and extensive em-

Earl of [illegible]
Lord Eldon
Earl of Westm[illegible]onsideration of the principal
Earl of Liverpool [illegible]ffice, and of the qualities
[illegible] discharge, will in some
Right Hon. Nicholas V[illegible]iding us to a proper
Lord Viscount Melville
[illegible] Mulgrave [illegible]d arduous; the range [illegible]scount Sidmouth [illegible] to be—to arrange ings of th[illegible] [illegible] proceed- inquisitorial [illegible]nt Castlereagh [illegible]ve and its deliberations, [illegible] over servance of its orde[illegible] [illegible] communicate its approba[illegible] its censures, to guard its p[illegible] assert its rights, and to maintain [illegible] nity. Added to these, the private [illegible]siness of the House (as it is called) forms no inconsiderable portion of the labours of the Speaker, in the present increased and improving state of the wealth, an[illegible] population of the country.

The proper discharge of these manifo[illegible]d duties, requires talents and attainments [illegible] of no ordinary dimensions, and which a[illegible]re but rarely found united in the same ind[illegible]vidual, for there is hardly an emine[illegible]nt quality that can elevate or adorn th[illegible] human character, which may not, in th[illegible] execution of this high office, be occasi[illegible]ally called forth into exercise.

To an understanding enlightened [illegible] highly cultivated, to learning exte[illegible] and various, to an ardent, yet well[illegible]lated attachment to the constitutio[illegible] be added, a profound and minute [illegible]tance with the history and law[illegible] country, and an accurate know[illegible] the forms and regulations of p[illegible] as recorded in its voluminous p[illegible] and as existing in the unwri[illegible] and practice of the House.

Nor should we overlook ev[illegible]dinate qualiti[illegible] [illegible]uality of attendance, and of [illegible] [illegible]upled with correctness in th[illegible] [illegible]patch o[illegible]blic business.

Among the [illegible]sites for presiding over the deliberations of the House, and preserving its order and decorum, may be noticed a soundness of judgment united to a promptness of decision, a firmness that shall repress contention, with a suavity which shall soften asperity and disarm irritation, a temper not to be ruffled by rudeness or pertinacity, a patient vigilance that can bear the fatigue of protracted debate, but above all, a strict impartiality that shall secure the universal confidence of the House.

The Thanks and Honours of the House would lose a part of their high value, if communicated by its organ and representative without dignity of manner and expression; its reprimands and censures would be deprived, in some degree, of their corrective force and effect, if denounced without that tone and demeanour of authority, which commands respect.

In watching over the Privileges of the House, and guarding them against encroachment, in asserting its rights and maintaining its dignity, we must look for independence above controul, and integrity beyond the reach of influence.

Chan[illegible]With respect to the Private Business, it [illegible] be sufficient to observe, that it re-[illegible]

THE CA[illegible]

[illegible]s facility of access, urbanity and [illegible]urteousness in intercourse, frankness in [illegible]communication, an indefatigable industry in investigating conflicting claims, an attention that can fix itself upon minute details, and an anxious watchfulness to guard the interests of the unprotected and absent.

Nor are the liberal hospitalities and a splendour of life, corresponding with the munificence of parliament, and suitable to the high station of the first and most Sec[illegible]inguished com[illegible]oner of the realm, [illegible]y without their grace or value.

Master o[illegible] [illegible]se appear to be the most prominent
Attorney [illegible]ies to be sought in the person, whom
Solicitor [illegible]ouse shall select for its choice.

[illegible] presuming to propose a person for

THE MINISTRY

[illegible]oice, it had been necessary to be [illegible] by my own uninstructed discern-
Lord Lieute[illegible] opinion, I should have known
Lord Higl[illegible] sufficiently to have shrunk from
Chief Sec[illegible]k, and to have left its execution to
Chancello[illegible] other member, whose superior [illegible] consideration might better en-[illegible] [illegible]endation to the concur-

That this great nation sending to parliament the representatives of the Commons of the United Kingdom, chosen, by the happy practice of the constitution, from the most eminent and enlightened of every class of society, should furnish several persons competently qualified for the discharge of this high office, many and arduous as its duties appear to be, it would be improper and unjust to question; but I cannot avoid congratulating myself, and I venture to congratulate the House, that upon the present occasion it is unnecessary to select upon the mere hope and future promise of competent qualification, but that the House may fix its choice upon the secure basis of tried excellence and unerring experience. Those members, who are now present for the first time, may have supposed, while I have been endeavouring to describe the rare qualities which should unite in the person to be designated for the Chair of the House, that I have been tracing the outlines of a picture, which could exist only in imagination; but those, who have sat in former parliaments, will have recognized a portrait, however faintly and imperfectly drawn, of that highly gifted person, who in the four last parliaments, filled the Chair of this House, in a manner that procured to him the unequivocal test of universal admiration, esteem and confidence. It is unnecessary to propose the name of Mr. ABBOT; and it is no less superfluous to refer back to those qualities, which in earlier life marked him out as an upright and enlightened member of parliament, firmly attached to our invaluable constitution, and zealously engaged in promoting the interests and welfare of the country, and which originally recommended him to the choice of the House.

It is not without being unfeignedly conscious of considerable presumption, that an individual with so little pretension has now ventured to address the House upon this its first meeting, and upon so interesting and important a subject. An apology is unquestionably due; but I must throw myself upon the candour and indulgence of the House, frankly acknowledging that I could not resist the gratification which would be afforded me, by an opportunity of publicly testifying and expressing (though in terms very inadequate to my own feelings, and very insufficient to satisfy those of the House) the strong sentiments of esteem and regard, of veneration and respect, to which the eminent person already mentioned is so justly entitled. I could not withstand the pleasure and satisfaction of proposing, and I anticipate with perfect confidence the unanimous concurrence of the House in the motion which I now make, "That the right hon. CHARLES ABBOT do take the Chair of this House as Speaker."

Then *William Ralph Cartwright*, esq. addressing himself likewise to the Deputy to the Clerk of the House (who standing up, pointed to him, and then sat down) spake to the effect following:

Mr. Ley; in rising to second the motion of my right hon. and learned friend, the only difficulty which I experience, arises from my inability to do justice to the task. I derive, however, some satisfaction in reflecting that the claims which it is my part to support, are such as have been long recognised by the House in the tried talent and known integrity which have been so often and conspicuously displayed by Mr. Abbot. It is my sincere belief, that no man who has witnessed the conduct of that gentleman during the period in which he has filled the important, the elevated, and arduous office of Speaker of this House, can entertain a different opinion, or refuse to join in the unanimous declaration of his peculiar qualifications for discharging its duties with honour to himself, and advantage to the interests of the public. I cannot conceive that there will be more than one opinion on this subject. (A general cry of hear!) Sir, I do not mean to repeat the enumeration of all those high and requisite qualifications truly and ably described by the right hon. mover. It would be difficult to name an individual, in whom a more complete union of them all is to be discovered than in the individual whom he has proposed. All parties concur, or rather, all party is discarded upon this subject. But we ought not to forget that long before Mr. Abbot was raised to that situation in which he has been so distinguished, his ability, research and industry had been usefully exercised, had attracted the attention and secured the confidence of the House. I confess that I feel no small share of gratification in the distinction of seconding a motion that promises to be so beneficial to the interests of the House, and with respect to which, I can confidently anticipate an entire unanimity of sentiment.

The House loudly calling Mr. Abbot to the Chair,

Mr. *Abbot* stood up in his place and said:

"Mr. Ley; in rising to address the House upon the present occasion, it is impossible that I should not be desirous of returning my cordial thanks to my right hon. and honourable friends for the terms, prompted by their personal kindness towards me, in which they have proposed my name to the consideration of the House; and I have also to acknowledge with gratitude the favourable manner in which the House has been pleased to receive that proposition.

"But I can assure the House with perfect sincerity, that if I should be called again to that high station, I should enter upon the discharge of its various and arduous duties, confiding in nothing but the hope and expectation of the same continued indulgence and support, which I have heretofore experienced in the same situation.

"Long attention to the forms of parliament, and the habits of official life, may be useful, to a certain extent, in regulating the large and growing mass of our public and private business, and also in discharging those other less ostensible, but not less laborious duties, incident to the various public trusts and commissions which of late years have been added to the occupations of the Chair. But these are not the main difficulties of the office which the House is now called upon to supply; for such are the many new,—unlooked for,—and ever-varying occurrences which frequently and suddenly arise in the course of our proceedings here, that unless the House be prepared (for the maintenance of its own authority and dignity) to give a prompt and effectual support to whichever of its members may be placed in that Chair,—all other considerations are superfluous, and his best endeavours will be unavailing.

"With this declaration of my own sentiments, respecting what the House has a right to require, and also what it ought to be prepared to bestow, in the choice which it is about to make, I most humbly submit myself to its disposal, praying only that this first act of its proceeding may never become detrimental either to its interests or to its honour."

Mr. Abbot being then led to the Chair by the Mover and Seconder,—said: "With a deep sense of the duties which belong to this Chair, and a firm reliance, that so long as these duties shall be faithfully discharged, I may presume to expect the support of the House,—I beg leave to return my humble acknowledgments for this distinguished and repeated proof of its favor and confidence, and to assure the House of my entire devotion to its service."

And thereupon he sat down in the Chair; and then the mace, which before lay under the table, was laid upon the table.

Lord *Castlereagh* then spoke to the following effect: "I apprehend that till his royal highness the Prince Regent's intentions in calling this parliament together be made known, it will be the pleasure of the House to adjourn from day to day, without entering upon any business. I therefore rise to offer a motion to that effect. But previous to coming to this conclusion, I trust, I may be permitted to enjoy the satisfaction of congratulating the House on seeing that seat again occupied by the right hon. gentleman, whose conduct in it before had secured to him universal respect and admiration. We must, as members of this House, feel it to be a matter of great congratulation to each other, to have an individual returned to parliament whom we can elect to that situation, in which he has already so pre-eminently distinguished himself, to his own honour, and to the benefit of the House and of the country. It is a matter of congratulation that the first step we have taken is likely to redound to the public advantage, and to the general good, as well as to the particular interest of this assembly. Marked as this election has been by an universal expression of sentiment that cannot be doubted, you, Sir, must feel that you possess, in the unbounded confidence of this House, the means and authority necessary to enable you to discharge with dignity and effect the important duties deposited in your hands. Under these circumstances, I will not detain the House longer by dilating on the topics so ably and fully opened by the right hon. mover, but conclude by proposing that this House do now adjourn."

The House accordingly adjourned till to-morrow.

HOUSE OF LORDS.

Wednesday, November 25.

The House of Commons having been summoned by the Black Rod, the Speaker elect, Mr. *Abbot*, addressed the Lords Commissioners:

"My lords; His Majesty's faithful Commons (in obedience to the commands of his royal highness the Prince Regent, acting in the name and behalf of his Majesty) have proceeded to exercise their antient and unquestionable right of electing a Speaker; and it is now my duty to acquaint your lordships that their Choice has fallen upon me.

"Whatever considerations may have weighed with the House of Commons in forming this determination, they well know, that their choice must nevertheless await the royal pleasure:—And I now, with all humbleness, do on their behalf present myself in this place, in order that his Majesty's faithful Commons may learn, whether it be his Majesty's royal will that they shall proceed to a reconsideration of the Choice which they have thus made."

The *Lord Chancellor* then said:

"Mr. Abbot; we have it in command from his royal highness the Prince Regent, acting on behalf of his Majesty, to inform you, that after the eminent proofs which you have given of your ability and integrity in the execution of this important office of Speaker of the House of Commons, to which you have been so repeatedly called, his Royal Highness in the name of his Majesty doth fully approve the Choice which the Commons have made, and that his Royal Highness therefore, in the name and on the behalf of his Majesty, doth approve and confirm you to be their Speaker."

The *Speaker* then said:

"My lords; since his Royal Highness has been graciously pleased to approve the Choice made by his Majesty's faithful Commons, I most humbly submit myself to his royal will and pleasure:

"And I do now in the name and behalf of the Commons of the United Kingdom in Parliament assembled, lay [illegible] ble petition) to all their a[illegible] doubted rights and privileg[illegible] cially, Freedom of Speec[illegible] freedom from arrest and [illegible] themselves, their servants, an[illegible]e access to the royal presence as occasion may require; and the most favourable construction of all their proceedings.

"For myself, I have also to crave his Majesty's gracious indulgence, and that no imperfections of mine in the discharge of my duties, may be laid to the account of his Majesty's faithful Commons."

The *Lord Chancellor* replied:

"Mr. Speaker; his royal highness the Prince Regent hath commanded us to assure you, that acting in the name, and on the behalf of his Majesty, he doth most willingly grant to the House of Commons all the privileges which have ever been granted or allowed to the House of Commons by his Majesty or any of his royal predecessors.

"With respect to what regards yourself, Mr. Speaker, we are required to assure you that the most favourable construction will always be put upon your words and actions, if it can be necessary that such an assurance should be given to a person, so eminently distinguished for his knowledge of the rules and usages of parliament."

The Commons then withdrew, and the Lords Commissioners retired to unrobe. After which the Clerk proceeded to swear in the Peers.

HOUSE OF COMMONS.

Wednesday, November 25.

The Usher of the Black Rod, at twelve o'clock, summoned the House to the Peers, in order that they might inform the Lords Commissioners on whom the choice of Speaker of the House of Commons had fallen. Mr. Abbot, followed by all the members present, accordingly proceeded to the House of Peers.

The *Speaker* having been confirmed in his office by the Lords Commissioners, addressed the House at his return from the House of Lords:

"I have to acquaint the House, that this House has been in the House of Peers, where the Lords authorised by his Majesty's Commission have declared, That his royal highness the Prince Regent, acting in the name and on the behalf of his Majesty, has been pleased to approve of the Choice which this House has made in electing me to be their Speaker.

"And I have thereupon in the name and on behalf of the Commons of the United Kingdom in parliament assembled, laid claim to all their antient and undoubt-

ed rights and privileges: Freedom of Speech in debate, Freedom from arrest and molestation for themselves, their servants, and estates; free access to the royal presence as occasion may require, and the most favourable construction of all their proceedings;—all which have been granted and allowed in as ample a manner as ever they were granted and allowed by any of his Majesty's royal predecessors.

"For the high honour conferred upon me by this House, and confirmed by his Majesty's royal approbation, I have again to tender my best acknowledgments, and to repeat the assurances of my fixed purpose to serve this House with diligence, fidelity and impartiality.

"At present, I must call to their remembrance that the first proceeding is for each member to take the Oaths of Allegiance and Supremacy at the table, to make and subscribe the Declaration; and also to take and subscribe the Oaths of Abjuration and Qualification, as by law required."

A general cry of hear! hear! followed this speech, and the Speaker proceeded, as the first Commoner, to take the oaths. He afterwards placed himself in his Chair. The other members were then called up to the table in alphabetical order, according to the counties they represented, and took the oaths. Generally speaking only one or two appeared from each county, until the name of Cornwall was pronounced, when more than twenty members left the ministerial benches, and advanced to receive the oaths. This remarkable disproportion excited not a little mirth in the House.

HOUSE OF LORDS.

Monday, November 30.

THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.] Their lordships began to assemble about twelve o'clock. Peeresses and ladies, with peers orders, were admitted into the body of the House; who, together with a numerous attendance of peers, in their robes, made an appearance seldom, if ever, equalled for its elegance and splendour. At two his royal highness the Prince Regent entered the House, and took his seat on the throne. A Message was immediately conveyed, by the Usher of the Black Rod, to the House of Commons, requiring their attendance, to receive his Royal Highness's communication. Accordingly, the Speaker, accompanied by a great number of members, appeared at their lordships' bar.

His Royal Highness then delivered the following most gracious Speech:

"My Lords and Gentlemen,

"It is with the deepest concern that I am obliged to announce to you, at the opening of this parliament, the continuance of his Majesty's lamented indisposition, and the diminution of the hopes which I have most anxiously entertained of his recovery.

"The situation of Public Affairs has induced me to take the earliest opportunity of meeting you after the late Elections. I am persuaded you will cordially participate in the satisfaction which I derive from the improvement of our prospects during the course of the present year.

"The valour and intrepidity displayed by his Majesty's Forces and those of his Allies in the peninsula, on so many occasions during this campaign, and the consummate skill and judgment with which the operations have been conducted by General the Marquis of Wellington, have led to consequences of the utmost importance to the common cause.

"By transferring the War into the interior of Spain, and by the glorious and ever memorable Victory obtained at Salamanca, he has compelled the enemy to raise the siege of Cadiz; and the southern provinces of that kingdom have been delivered from the power and arms of France.

"Although I cannot but regret that the efforts of the enemy, combined with a view to one great operation, have rendered it necessary to withdraw from the Siege of Burgos, and to evacuate Madrid, for the purpose of concentrating the main body of the allied forces; these efforts of the enemy have nevertheless, been attended with important sacrifices on their part, which must materially contribute to extend the resources and facilitate the exertions of the Spanish nation.

"I am confident I may rely on your determination to continue to afford every aid in support of a contest which has first given to the continent of Europe the example of persevering and successful resistance to the power of France, and on which not only the independence of the nations of the peninsula, but the best interests of his Majesty's dominions essentially depend.

"I have great pleasure in communica-

ting to you, that the relations of peace and friendship have been restored between his Majesty and the Courts of St. Petersburgh and Stockholm.

"I have directed copies of the Treaties to be laid before you.

"In a contest for his own Sovereign Rights, and for the independence of his dominions, the emperor of Russia has had to oppose a large proportion of the military power of the French government, assisted by its allies, and by the tributary states dependent upon it.

"The resistance which he has opposed to so formidable a combination, cannot fail to excite sentiments of lasting admiration.

"By his own magnanimity and perseverance, by the zeal and disinterestedness of all ranks of his subjects, and by the gallantry, firmness, and intrepidity of his forces, the presumptuous expectations of the enemy have been signally disappointed.

"The enthusiasm of the Russian nation has increased with the difficulties of the contest, and with the dangers with which they were surrounded. They have submitted to sac fices of which there are few examples in the history of the world; and I indulge the confident hope, that the determined perseverance of his Imp rial Majesty will be crowned with ultimate success; and that this contest, in its result, will have the effect of establishing, upon a foundation never to be shaken, the security and independence of the Russian empire.

"The proof of confidence which I have received from his Imperial Majesty, in the measure which he has adopted of sending his Fleets to the ports of this country, is in the highest degree gratifying to me; and his Imperial Majesty may most fully rely on my fixed determination to afford him the most cordial support in the great contest in which he is engaged.

"I have the satisfaction further to acquaint you, that I have concluded a Treaty with his Sicilian Majesty, supplementary to the Treaties of 1808 and 1809.

"As soon as the ratifications shall have been exchanged, I an which he was en-
this Treaty to be la eat and valuable man

"My object has e public voice united
the more extensive ration of the man and
litary force of th nd he could not refrain
offensive operat s with the general voice,
combined with th ourse of his successful
principles which uld fail to call to mind,

councils of his Sicilian Majesty, is calculated, I trust, to augment his power and resources, and, at the same time, to render them essentially serviceable to the common cause.

"The Declaration of War by the government of the United States of America, was made under circumstances which might have afforded a reasonable expectation that the amicable relations between the two nations would not long be interrupted It is with sincere regret that I am obliged to acquaint you, that the conduct and pretensions of that government have hitherto prevented the conclusion of any pacific arrangement.

"Their measures of hostility have been principally directed against the adjoining British Provinces, and every effort has been made to seduce the inhabitants of them from their allegiance to his Majesty.

"The proofs, however, which I have received of loyalty and attachment from his Majesty's subjects in North America are highly satisfactory.

"The attempts of the enemy to invade Upper Canada have not only proved abortive, but, by the judicious arrangements of the Governor-General, and by the skill and decision with which the military operations have been conducted, the forces of the enemy assembled for that purpose in one quarter, have been compelled to capitulate, and in another have been completely defeated.

"My best efforts are not wanting for the restoration of the relations of peace and amity between the two countries; but
until this object can be Badajoz, and of
sacrificing the maritim e would deny that
Britain, I shall rely u tageous to the ge-
support in a vigorous p mately the influ-
war. campaign was not

"Gentlemen of the I nsula: it had been

"I have directed t corners of the world:
services of the ensui d seen what might be
fore you, an y and perseverance; for
readiness this country had evinced, by an
enable me d successful course, what might
committed y perseverance; and the lesson
best prosp been lost on the emperor of
which his In Russia too was already seen
what might be achieved by a determined
resistance to the presumptuous pretensions
of an unprincipled and ambitious foe.
The emperor of Russia had given great
hopes to enslaved Europe. In the field
he had given proofs of firmness and decision; and by entrusting this country with

"In considering the variety of interests which are connected with this important subject, I rely on your wisdom for making such an arrangement as may best promote the prosperity of the British possessions in that quarter, and at the same time secure the greatest advantages to the commerce and revenue of his Majesty's dominions.

"I have derived great satisfaction from the success of the measures which have been adopted for suppressing the spirit of outrage and insubordination which had appeared in some parts of the country, and from the disposition which has been manifested to take advantage of the indemnity held out to the deluded by the wisdom and benevolence of parliament.

"I trust I shall never have occasion to lament the recurrence of atrocities so repugnant to the British character; and that all his Majesty's subjects will be impressed with the conviction, that the happiness of individuals, and the welfare of the state, equally depend upon a strict obedience to the laws, and an attachment to our excellent constitution.

"In the loyalty of his Majesty's people, and in the wisdom of parliament, I have reason to place the fullest confidence. The same firmness and perseverance which have been manifested on so many and such trying occasions, will not, I am persuaded, be wanting at a time when the eyes of all Europe, and of the world, are fixed upon you. I can assure you, that in the exercise of the great trust reposed in me, I have no sentiment so near my ...aule disprop to promote, by every little mirth in the Ier, the real prosperity ...ness of his Majesty's

HOUSE

Monday, having withdrawn from ...l Highness presently

THE PRINCE REG... om the House. After OPENING THE SESSION.]s departure, their began to assemble about ne ...pose of un- Peeresses and ladies, with peers were admitted into the body of the Chancellor who, together with a numerous, and the ance of peers, in their robes, mal of Liver- pearance seldom, if ever, equal viously to elegance and splendour. At two his royal highness the Prince Regent entered the House, and took his seat on the throne. A Message was immediately conveyed, by the Usher of the Black Rod, to the House of Commons, requiring their attendance, to receive his Royal Highness's communication. Accordingly, the Speaker,

to claim the attention of their lordships, it might be expected that he should apologise for the course he was about to pursue; but, he thought, he could not do better than to pourtray the leading features of the Speech, just delivered from the throne, and then to make those observations which he might deem appropriate and just in support of the Address, with moving which it was his intention to conclude. Such a course would be correspondent with the usual mode on such occasions; and, in his estimation, it would be wrong to depart from so good a precedent. As to the Speech, it must have been most grateful to all who heard it; for it dwelt on those events which had been materially advantageous to the country, and were calculated to be much more so; inasmuch as they were of a nature to increase those great difficulties with which the common enemy had now to contend. But, however prosperous might have been our efforts, however glorious might have been our struggles, and however splendid might have been the results, it became us rather to increase than to relax in our exertions, not for the mere advantage of England only, but for the salvation of Europe. Past successes were pledges for the future; the triumphs that had attended our arms, were assurances that perseverance would avail. There were those who had foreboded a dismal issue to our contest in the peninsula; and though those forebodings had been disappointed by events, yet they would say, there still remained much to be done. Their lordships could not forget so manifest a truth, and that remembrance would now stimulate them to greater and nobler exertions. To carry on such a war as the one in which this country was now engaged, great sacrifices must be made; and no one could more sensibly deplore than he did the burdens under which the country at present laboured. But they must bear much more before it could be hoped that final success would crown our efforts. When it was seen that the ruler of France deemed no sacrifices ... a co. the dearest object of given to the continent on of this country, ample of persevering abe considered too sistance to the power otteract that object? which not only the inde were great; but nations of the peninsula, tho great that had terests of his Majesty's do on of the coun- tially depend. other countries

"I have great pleasure hey visited only

by a friendly army; but how much greater would be their woe, how much heavier their afflictions, when an enemy's arms prevailed? From such visitations this country had hitherto been free; and no price could be too high to enable it to continue unvisited by such accumulated miseries. To describe those miseries, the miseries that other countries had been, and still were, subjected to—would be a task too painful for him, even were it necessary to enable their lordships to judge properly of our present situation. But, he could not avoid saying, how light must any burdens be, that could avert that ruin which was levelled against us! That it would be averted, he could not for an instant doubt; and, even if any one were inclined to entertain any thing like doubt, the recent and noble exertions of our brave countrymen in arms could not but dispel it. In speaking of their glorious exertions, he could not proceed without noticing that glorious individual who had so nobly led them on to repeated successes. There could scarcely be an individual in the country who did not feel warmed and elated by the laurels that bound that noble general's brow; and how much more elated must they feel, who were related to him by the ties of blood! He had the happiness of being amongst those who were related to that gallant lord. If there were any thing like difference of opinion respecting that brave general's merits, related as he was, he would not trust himself to speak where friendship and partiality might overstep the bounds of justice. If he thought it possible even for the affection of the dearest friends to overrate his merits, in the fondness and zeal of their partiality, he would have remained silent. But years of painful labour in the field had earned for the name of Wellington, that glory and renown which were now attached to it. In the field he had triumphed, over and over again, beating the most consummate generals of the enemy's army, and driving them from their strong holds. Such were the feats he had achieved, besides overcoming all those difficulties attendant upon a warfare like the one in which he was engaged: but that great and valuable man was rewarded. The public voice united in expressing admiration of the man and of the warrior, and he could not refrain from mingling his with the general voice. In tracing the course of his successful career, no one could fail to call to mind, Ciudad Rodrigo, Badajoz, or Salamanca—successes that had demonstrated the vigilance, the skill, the rapidity, and the decision which had produced such admirable results. They were results that had raised the military character of the country. The skill which had planned those successes was seen in a variety of forms; but in no instance was it more remarkable than in having compelled the enemy to raise the siege of Cadiz, before which they had been for two years. That glorious event had only failed in bringing about the probable result by an actual and direct disobedience of orders—a disobedience that had since been punished by the prompt proceeding of the government of Spain. That was an unfortunate event: and, at this moment, it was impossible to see of what advantages it had deprived us. That it had materially promoted the failure before Burgos, he had little reason to doubt; but, however mortifying that event might be, still they had no reason to despond. The effects of such a disappointment, and of such a failure, might soon be retrieved by that commanding genius which had already done so much for Spain. Even the present condition of the enemy afforded much ground for exultation. He had been compelled to collect his forces, and, when it was recollected with what difficulty they had been before supplied, how much greater must those difficulties be now that they formed one collected mass. There was no occasion for him to recapitulate the circumstances that had attended the raising of the siege of Cadiz, the capture of Ciudad Rodrigo, of Badajoz, and of Salamanca; but no one would deny that they were highly advantageous to the general cause.—But fortunately the influence of this brilliant campaign was not confined to the peninsula: it had been felt in the remotest corners of the world: In Russia it had seen what might be done by constancy and perseverance; for in Spain this country had evinced, by an actual and successful course, what might be done by perseverance; and the lesson had not been lost on the emperor of Russia. In Russia too was already seen what might be achieved by a determined resistance to the presumptuous pretensions of an unprincipled and ambitious foe. The emperor of Russia had given great hopes to enslaved Europe. In the field he had given proofs of firmness and decision; and by entrusting this country with

the Russian fleet, he had given a proof of his implicit faith in England.—The new treaty with the Sicilians was very favourable, their troops being thereby made more efficient to the general cause. Thus was the aspect of European affairs highly favourable. Not long since they had seen the whole continent of Europe arrayed under the despotic dominion of Buonaparté; but they now saw efforts making to throw off that odious dominion, that gave the fairest and most flattering promise. They already saw the difficulties by which Buonaparté was surrounded. He not only met with obstructions to his efforts to recruit his army, but appeared actually unable to supply the army which was already opposed to Russia. It might be hence fairly concluded, that the military despotism of our foe had received a deadly shock, if it were not now trembling to its very base. All these advantages were to be traced to the conduct of this country, to its undaunted efforts in the peninsula; and from what had passed, their lordships might fairly place a confidence in the future. Europe had now an opportunity of arousing from her lethargy, and there was reason to hope that the opportunity would not be lost.—As to the war with America, that event was much to be lamented; and it being the belief in this country, that it could not continue, was the cause of our not having more vigorously prosecuted it hitherto. In Canada, however, honourable and glorious proofs had been given of the fidelity and loyalty of that portion of his Majesty's subjects. As to the triumphs of the Americans at sea, and triumphs, no doubt, they called them, they owed them to the very general belief amongst us, that the war could not continue. The war might be injurious to us, but he confidently hoped, that its continuance would not be for any very extended period.—The East India question was one of great interest, and would deservedly have the serious attention of parliament. The appearance of domestic affairs, as set forth in the Speech, was highly gratifying, and it could not fail to make a pleasing impression on their lordships to ascertain, that order had been restored in those districts that had been somewhat disturbed. The noble earl then concluded with moving, that an Address be presented to his royal highness the Prince Regent, which, as usual, was an echo of the Speech.

Lord *Rolle* rose to second the motion, and observed, that with regard to the first paragraph of the Speech from the throne, which related to the continuance of his Majesty's lamented indisposition, no one could possibly feel more real concern than himself. It was not his intention, nor did he feel it necessary, after the able exposition their lordships had heard, to enter into any detailed view of the important topics in question. The spirited and judicious conduct of his Majesty's government, under circumstances the most trying and arduous, had his warmest approbation, and called for that of the country; nor should, he thought, the prudent, affectionate, and kind manner in which his Royal Highness acted on a trying and important occasion, go without its merited applause. The system adopted by his Majesty's government was productive of consequences which, he agreed with the noble earl in thinking, would lead to the deliverance of Europe from the tyranny and oppression under which it groaned. But, in this view, he could not avoid noticing the effectual resistance which the emperor of Russia, so greatly to his own honour, had offered to the destructive progress of the enemy. Nor were his subjects less entitled to praise for their patriotic efforts in defence of their lawful sovereign and national independence. He trusted that the conduct of his Majesty's government, with respect to the United States of America, would have its due effect, and that the maritime rights of the country, upon which so much depended, would be asserted and upheld.—These were the prominent points to which the noble lord directed the attention of the House, and concluded by expressing his cordial approbation of the Address.

Marquis *Wellesley* said, he could not have approved either of the Speech, or of the Address proposed, had they, with respect to the great contest in the peninsula, or the cause in which the emperor of Russia was now engaged with all the efforts of his people, assumed in any degree a lower tone than that which pervaded them. Nothing less was demanded by the great interests of the country, by a proper zeal for our honour or our welfare, or by a true regard to the interests of our allies embarked in the same mighty cause with ourselves. In all those points he not only applauded the spirit of the Speech which their lordships had just heard delivered, but he almost entirely approved of the general spirit of the Ad-

dress consequent upon it, moved and seconded by his noble friends.—Of all the parts of the Speech, however, none struck him more forcibly, none made a stronger impression upon his mind, than that which anticipated the same wisdom in parliament, the same firmness, and the same prudence, on the present trying occasion, when the eyes of all Europe, nay, of the whole world, were fixed upon us. There was nothing novel, he admitted, either in the subjects, or in the expressions:—the novelty was rather in the application of them. Yes! he had, no doubt, the parliament would exercise the same wisdom, it would evince the same perseverance, it would display the same firmness, especially on the great question of the war in the peninsula, as it had hitherto shewn. It was to that country in particular he wished for a few moments to direct their lordships' attention: its situation was to be considered in various respects; but in no respect would any man venture to say, that the triumphs which had been achieved there, were of such a description as to be totally unqualified; admit of unbounded triumph; or cause unmixed congratulation; no man could say that victory had so predominated, that its career was unchecked by a single reverse. But, as it was certainly the highest part of the character of wisdom to persevere with reasonable grounds of hope, in the face of danger, difficulty and discomfiture, so it was the highest character of firmness to meet the tide of success without intoxication, to look it steadily in the face, to analyze the grounds upon which it stood, and from that analysis, carefully and cautiously pursued, to deduce one general and consistent ground of public action. Even if our success had been broad, general, splendid and unqualified, he would say to those who represented a wise and enlightened nation, to those who were prepared and anxious to do their duty—be not led away by this success—be not intoxicated with it—let not its lustre so dazzle your faculties that you perceive neither whence it originated, how it may be rendered permanent, nor to what ultimate objects it may be applied. And this he would say, not for the purpose of disparaging that success, nor to raise any spirit of discontent, but for the sole purpose of producing a due tone of reflection, from which might spring one consistent, one general line of public conduct on a measure of policy so important and vitally interwoven with the best interests of the British nation. We had, indeed, done much in Spain: he was most willing to admit it; but, he would ask, what still remained to be done? And that question naturally led him to a review of the events which had taken place there since no very distant period: he would limit himself to the time when lord Wellington was before Badajoz. It had always appeared to him, from the very commencement of the struggle in the peninsula, that the only solid ground of success, the only reasonable hope of ultimate victory, the only practical system of resistance which could be adopted, was to awaken in the people of Spain, a spirit of hostility to France; and to succour and aid that hostility upon a broad and extensive scale of operations. With our force and resources properly directed in that way great advantages might be expected, and final triumph be safely calculated upon. It was, indeed, perfectly clear, that the measureless ambition of the leader of France never would desist from its object, till some strong and energetic force should check its progress on the one side or other. If the Spanish nation could once bring themselves to feel that there was no evil, no human evil, scarcely indeed an evil beyond the verge of humanity, to be put in competition for a moment with that of submission to the government of France; that loss of property, loss of relations, loss of all that was dear to them, loss of life itself, was small and insignificant, compared to that tremendous and overwhelming calamity—submission to France; if they could be brought to this pitch of patriotism and resistance, every thing might then be hoped from the contest. It was true, indeed, that the perseverance he had described was a species of which philosophy afforded no definition, nor history any record; but it was by that spirit alone that any thing great could be achieved in the struggle between Spain and France. Our assistance co-operating with this general feeling, might have been productive of the utmost benefits. The great person who now ruled over the destinies of France (for great he could not hesitate to call him) would, it might be presumed, were such a system pursued, find himself, by the success of our arms, reduced to the necessity of abandoning the cause, or, his ambition, leading to the exertion of all his means and energies in this one quarter, would open the way for other enemies in

other parts of Europe, who would be eager to seize the opportunity of his reverses in Spain, to shake off the yoke of his subjugation; he would be compelled to divide his forces, and thus present a prospect of more easy success to our combined efforts in the peninsula.

Such was the view he had always taken of the contest in Spain; and with regard to the spirit of universal hostility in the people, which he deemed so essential, he would assert, without fear of contradiction, that it had been produced in its fullest extent in the course of last year. He was not speaking of any thing which it might be thought he had no liberty to express: he was not alluding to any thing which had come to his knowledge merely through an official channel: he asserted only what every one might know, who had directed his attention to what had occurred in the peninsula during that period. He also knew it as a fact which no one would venture to deny, that the success of the British arms in Spain had been felt and considered in Russia, as the salvation of that country, and if it had not been for our triumphs there, the leader of France would have been able to direct a military force against Russia, so vast and overwhelming as to preclude the hope of that power's resisting it with any prospect of success.

But, was not all this foreseen, and was not this the very basis on which the system to be pursued in our present situation should be founded: What then followed from the fact? The moment it was known that such effects were taking place; the moment it was known that the desired action was commencing on the one side, ought we not to have pushed every effort on the other side, ought we not to have strained all the resources of the country, he would say to their very utmost: and, if we were honest in our exertions in behalf of the cause, ought we not to have seized this momentous crisis as it occurred, to strike one grand and decisive blow?

In these preliminary views of the question, which he had ventured to offer to their lordships, his great purpose was to inquire, and to instigate their lordships to inquire, whether the system which had hitherto been pursued was founded upon just and extended principles, whether an able and efficient exertion of our resources had been made; whether such means as the country possessed had been fully employed; and whether, upon the whole, the result had been such as the nation had a right to expect, from the possession of those means, and the right application of them. He could wish also that it were possible to fix in the minds of their lordships something like a definite and precise object as to the issue of the contest in the peninsula. His own idea as to the only true and legitimate object of that contest was, that it involved the expulsion of the French armies from Spain: this he considered as the plain and practical object: it was intelligible to all, and he would detain their lordships only a few moments, while he inquired what had been done in the course of the present year, towards its accomplishment, compared to what might have been done if our resources had been properly, wisely, and efficiently employed.

His own opinion decidedly was, that the war in the peninsula had been carried on in a way totally inadequate to the production of that result which he had stated as the only true and practical one of the contest. He would carry his inquiries back (and with as much brevity as possible) to the period a little before the reduction of Badajoz, somewhere about the beginning of April last. At that time the great general who commanded our armies in Spain having reduced that important fortress, his next step, it was natural to suppose, especially at that season of the year, would be to expel the French from the south of Spain. But why did he not do so? Because his means were deficient; because he was under the necessity of abandoning his object, that of marching against Soult, and raising the siege of Cadiz, from inadequate resources; and he was under the necessity of marching northward with his army, because in the North of Spain he had no force which he could leave sufficient to check and resist the progress of Marmont. To the north he accordingly did proceed, and there he was, from an operation of the same causes, compelled to remain on the frontiers of Spain till the 13th of June, and by that time Marmont's army was in such a state from the accession of reinforcements that it became doubtful whether the British commander could advance or not. But why did he remain so long? Because his means of advancing were insufficient; because he wanted money and supplies of every sort, because he had not the common means of transport to convey his artillery. These were stubborn facts which he defied any one to contradict. At last,

however, lord Wellington advanced without a battering train, not because he thought it unnecessary for the success of his military operations, but because he literally had not the means of transporting it. But then, after lord Wellington did advance, what state was he in? He found Marmont's army much stronger than he expected: and he also discovered another circumstance—his object in advancing (and here he begged leave distinctly to assert that he spoke from no other knowledge of lord Wellington's plans than what any person might acquire who had attentively watched the whole course of the proceedings in Spain—for not one syllable concerning them did he derive from any communication with that great general on the subject)—his object in advancing was, he maintained, in expectation of a powerful co-operation on the other side of the peninsula, and which co-operation had been concerted with him even at the time he was before Badajoz. He, therefore, must have expected the assistance of this force at the time of his advance into Spain; for, had he not so expected it, he would venture to say that his advance into that country would have been unjustifiable, even though success had ultimately attended his progress. It was certain, however, that he remained a considerable time on the frontier, waiting for intelligence of the looked for arrival of this co-operating force, but waiting in vain; he then proceeded forward, still confident in his hope that it would arrive sufficiently early to make a strong diversion in his favour, and found, as their lordships were already informed, the army of Marmont much greater than he expected. Nor was that all he found: he found that Suchet had detached a corps to unite with Joseph's army, and which made his force efficient to co-operate with Marmont's army. What was the consequence? On the 17th of July, five days before the battle of Salamanca, lord Wellington commenced, not a feigned, but a real retreat, and this retreat he continued during the 18th, 19th, 20th, 21st, and till late in the day of the 22d. But why did he retreat? Why did this great general retreat? Because, again, his means were inadequate. He had no money:—he was so low in money that he had not 20,000 dollars in his military chest. The richest brigade in the army did not possess more than 3,000 dollars; and what were the only means left to this deserted general, to recruit his finances? Forty thousand dollars had been sent to Cadiz, for the use of the Spaniards: these he was forced to intercept, and apply to the exigencies of the British army. Upon a fair comparison of his force with that of Marmont, and taking into calculation the reinforcement of Joseph's army by the detachment from Suchet, which detachment he would have been unable to spare, if the Sicilian expedition had arrived in due time on the eastern coast of Spain, as it would have fully occupied his whole army, lord Wellington deemed it most prudent to retreat, and he accordingly did so. Here he would request their lordships to pause for a moment. Here was a proof of lord Wellington's inadequacy of means. He retreated; and in ascribing that retreat to a want of resources, he was borrowing nothing from his imagination. The cause and effect were plain before them; and he might reason upon the subject, either from the cause to the effect, or from the effect to the cause. He might shew that his means were inadequate, and therefore he was compelled to retreat, or he might argue from the fact of the retreat, that he wanted the power to pursue his operations: and this deficiency of power arose chiefly, if not entirely, from the tardy and inefficient co-operation of the Sicilian expedition.

The next step in tracing the progress of lord Wellington, brought him to a period full of glory and renown; he meant the battle of Salamanca. But from what circumstances did that battle arise? Did it arise out of his efficiency, or out of his necessity? It arose from the magnificence, the splendour, the greatness of his talents. He struck the enemy with his spear the moment he saw an opening. But were we to hope for that again—was that a ground to build upon? His talents, indeed, were a firm and secure rock on which any hopes, any expectations, however great, however exalted, might be founded; but it ill became statesmen to calculate upon chances and occasions presenting themselves, for success in operations upon the prosperous issue of which so much depended. Did the ministry mean to say that their system was raised solely upon the resplendent abilities of a consummate general, and upon the errors of the enemy? Did they mean to affirm that all their plans amounted only to that? The battle of Salamanca was certainly productive of great events; the evacuation of the South of

Spain; the raising of the siege of Cadiz, and the occupation of Madrid by our troops. But did it secure those advantages? Did they remain permanent? Was lord Wellington able to pursue Marmont? No. He was not able to do that, which so obviously he ought to have done, because Joseph's army, reinforced by the corps from Suchet, was hanging on his flank, and afterwards on his rear. It was necessary to disperse that army. He did so, and entered Madrid. Could he then march southward to pursue the career of his conquests? No. He found that the corps which he had so lately defeated, the army over which he had so recently triumphed, was strong again, and he was compelled to direct his course to the north once more, to meet them. Then followed the siege of Burgos, and all he should say upon that subject was, that so far from considering as a disappointment the failure of lord Wellington in his attempt to reduce that fortress—it was madness to suppose that a fortress of such a description could be reduced by a few guns. He could not conceive, indeed, how any calculations founded upon success could be entertained, when lord Wellington's means were confessedly inadequate according to all the established rules of war.

Again, when it was understood, so far back as the month of June last, that lord Wellington was advancing into Spain, was it possible not to see that France, being engaged in a war with Russia, must necessarily detach a great part of her force to that quarter of Europe, and that then was the moment, not only in reference to that event, but also to the temper of the Spanish nation, to send out sufficient reinforcements to enable lord Wellington to proceed upon a large and effective scale of operations? Without such reinforcements it was manifestly imprudent to advance into Spain. He (marquis Wellesley) at that period holding the seals of office, had repeatedly urged in his dispatches that it would be highly dangerous to advance into Spain without such a commanding force, and such co-operation as would almost secure success; under any other circumstances it was not only disadvantageous to the cause, but it was perilous to the parties. Now, how was lord Wellington reinforced? On the 21st of October he thought it necessary to retire from Burgos: on the 25th he saw the French army, and we knew from his dispatches that they were greatly superior to his own force, especially in cavalry, the most dreadful of all species of superiority in that country. He (marquis Wellesley) had a right therefore to assume, that on the 25th of October, that army which lord Wellington had conquered on the plains of Salamanca, that army which he had driven before him on that memorable day, with a grandeur of military achievement which the language of history or poetry could never equal, which imagination herself could not decorate with a splendor beyond the colouring of truth, and which ranked him among the most renowned generals of this or any other age, he had a right to infer that that army had received strong and efficient reinforcements since the battle of Salamanca. Now, where was lord Wellington's reinforcements during the same period? Scattered every where: some in port at home, some on the ocean, and some landed at too great a distance to be of any use. Fifteen hundred men reached him on the 24th, four days after he had begun his retreat. Where were the others? One regiment advanced as far as Benevento, and were forced to retreat again to the frontiers. Two regiments were landed at Corunna, and were re-embarked for Lisbon, where they arrived just in time, probably, to reach lord Wellington at the commencement of the next campaign, certainly not much sooner.

Such was the state of the war in the peninsula—such the manner in which it had been conducted—and he would ask their lordships whether, if the same exertions had been used by the ministers in this country as were employed by the enemy, might not lord Wellington have been able to prosecute to their full extent his operations against Burgos? He would now, however, call their attention for a few moments to the Sicilian expedition, as it had been denominated. He had stated that the plan of that expedition had been concerted with lord Wellington when he was before Badajoz. In consequence of the improved fortune of our affairs in Italy, it was thought that a part of our force might be spared to co-operate with our armies in Spain: and, if it had arrived at the proper season on the south-east coast of that country, at the time when lord Wellington fully expected it, Suchet would have been utterly unable to detach a corps to reinforce Joseph's army: Joseph must rather have hastened to assist Suchet. Such a timely arrival would

have been a real service: but like all the rest of the system, it was imperfect exactly at that moment when it was most required to be perfect; something was done, but not all; and what was done was of no use. The first division arrived in the course of June, but it was so small that it could effect nothing. Suchet, meanwhile, wrote to Joseph that he could not proceed with his whole corps, but that he sent him a reinforcement, and which reinforcement, it afterwards proved, had the effect of subverting every great object of the campaign. Suchet had nothing to apprehend from the Sicilian expedition in the force to which it at that period amounted. Some time afterwards, however—about the end of July—arrived the remainder. They appeared on the coast of Catalonia, and he was very much afraid, though he was far from intending to impute blame to any of the commanders concerned in that expedition, that all they did was to excite the Catalonians to a demonstration of attachment to the British and Spanish cause, which led, in the result, to dreadful executions among them. It had left also, on the minds of the Catalonians, sentiments of suspicion, alienation, and hatred, which it would be difficult, he apprehended, to eradicate. It was thought advisable, that this expedition should operate either at Barcelona or Tarragona, or some part intermediate: but at last they arrived where no human being could have anticipated their presence, and then became utterly extinct as to any efficient purpose to the prosecution of the war. He had been told there were various ways of accounting for this indecision: at one time it was thought this place would be the best at which to disembark; and then another, till at last the very worst place of all was adopted. He had often heard that it was the greatest trial of a powerful mind, to decide between two conflicting difficulties: he was sure it was the test of a weak mind, to be placed between two advantages, and not know which to choose. The feature of the present case, however, was, that both the advantages were lost, and only this disadvantage gained, that a warlike and lofty province of Spain had been, as far as it was possible such true Spanish patriots could be, alienated from the Spanish cause by the vacillation and indecision of their allies. And what had been the ultimate result of all those proceedings? They had been told in the Speech, indeed, that the result was nothing more than the consequence of the concentration of the French armies, as if lord Wellington's retreat was merely a military manœuvre: and then followed the monstrous proposition, that it was favourable to the interests and resources of the Spanish nation. He hoped some explanation would be given of that assertion; for it was most injurious both to this country and to Spain. Before he could subscribe to it he must learn to think in direct contradiction to every sentiment he had ever felt, and to every principle he had ever known, either from reading or experience. Had the south of Spain been delivered? Did the minister mean to say that, in point of fact, the south of Spain was not now under the dominion of France? He was perfectly satisfied that his noble friend, than whom he knew no man more sincerely honest, had never seen a Spanish army, as it had been his (the marquis's) misfortune to do. If he had, he would have known that the army of Ballasteros was utterly incapable of making any stand against two such armies as those of Soult and Suchet; and that Ballasteros, instead of resigning his command, would have found the materials of it vanished in an instant, when opposed to the troops of the two French generals already mentioned.

In moving from Burgos, lord Wellington found himself pursued by a force much superior to that under his command, and without meaning to make any desponding statements, he would ask, this being the end of the campaign, what real progress had been made towards the great object of the contest? With regard to what was to be the object of the war in Spain, three schemes had been successively devised; two were only talked of, and the third was practised. The first was grounded on an idea that it would be imprudent to embark as a principal in the contest, unless some other power, by its co-operation, diverted the forces of France from being all concentrated towards that one point, the subjugation of Spain. From that policy he had always differed upon principle—but this fact was at least deducible from it, that our resources were considered by those who maintained the opinion to be insufficient to carry on the war as principals upon an adequate scale, and that we must therefore await a more favourable opportunity. His view of it had been, that we should engage as principals, and that in order to afford a chance of diver-

sion in other parts of Europe, it was necessary to urge the Spanish war with our utmost vigour and with the greatest effect. The second plan was, that it would be prudent and highly expedient to make exertions upon a large scale, adequate to the destruction of the French power in Spain. Both these plans were different in their principles, and yet both were consistent upon their own principles. If our resources were really inadequate, then the first plan was very just and proper: but if, as he held, they were adequate to extensive operations, then the second plan was obviously the fittest to adopt. But the plan of all others, which all mankind must reprobate and reject, was that plan of employing the resources, of exposing the sinews of our strength, to hourly danger; bearing hard upon our finances, yet accomplishing neither object, but falling dead, as it were, between both. Such a plan as this every one must concur in condemning. It was essentially hostile to the principle of economy; it was expence without fruit; and yet that was the system which had been pursued during the last and during the preceding campaign. A vast expence of blood and treasure had been lavished, and our resources enfeebled, without accomplishing any one definite or precise object. When it was to end he knew not; but it would be invidious to call upon him or any one, to say how closely calamity might tread upon the footsteps of error. When France was meditating fresh wars in the north of Europe, and when we saw Russia prepared to resist her ambitious designs to the last extremity, what more vigorous or effectual assistance could we have given to Russia than by prosecuting the war in Spain? The best succour we could give to that country, the most essential aid that we could bestow, was by carrying on the war in the peninsula upon a broad and extensive scale of operations; but it was not so carried on, and he charged upon that system, therefore, in the first instance a defection from the cause of Russia. He did not, indeed, mean to dispute that the events of the last campaign had not been beneficial to Spain, but his objection was that those benefits were imperfectly secured, and that they could not be expected to be permanent. On all these grounds considering ministers as culpable in withholding needful supplies, before he could agree to that part of the Speech which spoke of the exertions of the Spanish nation, he must be informed where the benefits arising out of these exertions were to be found.

The noble marquis, next, dismissing the topic of the peninsular war, adverted to the hopes held out of a diversion from Sweden, in favour of the operations of Russia. He could not conceive any thing more erroneous in policy or in co-operation than the line of conduct pursued with regard to this power. As it appeared to his mind, a more extraordinary act of diplomacy had never occurred than the Treaty which our ministers had concluded with the government of Sweden. It was a treaty which promised every advantage to Sweden without guaranteeing any to England. It was, in fact, a treaty in which, as it had been once whimsically observed upon a similar contract, the reciprocity was all on one side; for we had engaged to afford Sweden all the assistance in our power, in her operations against the enemy, or for her own protection, while nothing appeared likely to be done for us or for our allies on her part. An expedition was, indeed, projected and expected to sail from Sweden, with a view to co-operate with Russia; but that object was soon abandoned; no expedition ever did sail; and in consequence of that abandonment general Victor, who, with his force, waited in Swedish Pomerania, to meet the apprehended diversion, was enabled to withdraw, and his division actually formed a part of the army with which Buonaparté made his way to Moscow. Such was the important effect of the inactivity of Sweden, and for that inactivity, so injurious to the objects of the war, it was for ministers, in their diplomatic management with Sweden, to account. This account, indeed, they were bound, for their own justification, to produce. At a meeting which had taken place at Abo about the end of July, between the emperor Alexander, lord Cathcart, and the crown prince of Sweden, it was understood to have been arranged, that the expedition already alluded to, was to have been dispatched from Sweden; and so cordially it seemed did ministers enter into the project—so promptly did they determine to forward its progress, with a view to impede the army of France, that transports for the conveyance of the Swedish expedition were ordered to sail from Sheerness on the 19th of September, and Buonaparté entered Moscow on the 14th of the same month! So fared this grand and much

talked of expedition. What sort of explanation ministers had it in their power to give upon this subject, he could not pretend to conjecture; but it appeared most extraordinary, that after the meeting and discussion he had just mentioned, ministers should not have been enabled to judge of the real disposition of the crown prince of Sweden, or that they should not have taken measures to ascertain whether any change had taken place in that disposition before the useless dispatch of the transports.—With respect to Russia, while he was fully disposed to concur in the panegyric pronounced upon the magnanimity displayed by that power, he would ask, what assistance had our ministers afforded to encourage the display or to aid the operation of that magnanimity? This he was at a loss to know, except the sending the Russians about 50,000 arms, with lords Cathcart and Walpole, who were no doubt important instruments to aid a great empire in extricating itself from its difficulties and repelling a formidable foe, were to be viewed in this light.

Upon the subject of America he thought it necessary to say a few words; and first he had no hesitation in asserting, that a more unjust attack was never made upon the peace of any nation than that of the American government upon this country, nor could any cause be imagined more completely just than that which this country had to oppose to America. But he must confess that he heard with surprise the passage in the Speech from the throne, which sanctioned the opinion that ministers still hoped for pacification with America in consequence of something done previous to their declaration of war; he meant with surprise, in consequence of the grounds upon which this hope was understood to rest. Nothing appeared more preposterous than the calculation that the repeal of the Orders in Council would serve to pacify America; for these orders were never in fact the point at issue. Of the conduct of this government throughout its discussions with that of America, he was pretty accurately informed, and he was fully prepared to defend it, especially that part of the discussion in which he was personally concerned. But he would maintain, as he had uniformly stated, that the dispute with America did not originate or rest upon the Orders in Council, but referred to higher questions, to topics deeply affecting our great maritime rights, to points, indeed, of such importance, that according to his fullest conviction, the British government could not concede to the pretensions of America without throwing into her hands the trident of the main. It would not avail ministers to repeat the assertions of those who expressed such sanguine opinions as to the probable result of the repeal of the Orders in Council, for these assertions furnished no answer to his view of the subject. They might indeed be adduced in reference to some noble lords near him, from whom ministers borrowed this measure of repeal. Yes, they abandoned their own opinion upon that question, and adopted that of their adversaries, which no doubt furnished a strong proof of their vigour, firmness, and perseverance. But even with reference to those adversaries, ministers could not now rest upon formerly expressed opinions or predictions as to the consequence to be expected from a repeal of the Orders in Council; because, although they agreed to the measure upon the advice of their adversaries, they acted upon it in an opposite spirit. They were dilatory, and apparently reluctant in the adoption of this measure of repeal, and they ought, upon various grounds, to have seen its utter inefficiency to pacify America. They ought, in fact, to have expected and been fully prepared for war with America; they ought, as statesmen, to have known that the American government had been long infected with a deadly hatred towards this country, and (if he might be allowed an unusual application of a word) with a deadly affection towards France. It was absurd to suppose that governments were not as likely as individuals to be influenced by passion—that they were not more apt to act from the impulse of their own vices or corruptions than from a consideration of the interest of those over whom they presided. Therefore no statesman should or would conclude, that because it was contrary to the interest of the American people to engage in war with this country, the American government would shrink from such a measure. Indeed, in this instance no such conclusion could be deemed in the slightest degree excusable, for the disposition of the American government was quite evident, and therefore common policy should have urged ministers to prepare fully for the event, and they should have made adequate exertion either to pacify, to intimidate, or to punish America. No means should have been unprovided effectually

to repel the audacious attack which the American government had ventured to make upon us. Nothing of this kind, however, had been done, and America had been suffered to commence, and, for a time, to carry on hostilities, even unthreatened with danger to herself. That attack would yet, he trusted, be completely avenged; that the most extensive exertions would be made to convince the American government of its folly and desperation, and he had no doubt that the best hope of peace with that government would rest upon the manly and vigorous employment of our resources to make it feel sensibly the consequences of war.

The only remaining topic in the Speech to which he had to refer, was that with respect to India, in which he felt a peculiar interest. And here he would repeat the wish which he took occasion to express last session, that the affairs of our Indian empire should be fully investigated by their lordships before any system for its future government was finally determined upon. He meant that the whole question should be brought before their lordships, not in the shape of a bill for legislation, as it was proposed last session, but in a distinct and separate form for deliberate inquiry, in order that it might be examined in all its details. He was happy to learn that his noble friend at the head of the Board of Controul, was diligently employed in considering this subject, and he trusted that the result of his intelligent deliberation would be the suggestion of a course of measures, creditable to himself, honourable to this nation, advantageous to the interests of the whole empire, but above all, calculated to promote the interest and happiness of the great mass of population subject to our dominion in India. He again expressed his hope that the concerns of India would be fully discussed before an attempt was made to pass any law upon the subject.

Having thus observed at considerable length upon all the topics embraced in the Speech, he would now proceed very briefly to mention an omission of great importance to the country, and which he regretted exceedingly; he meant, the Catholic Question. Before he concluded, he felt particularly called upon to advert to this omission, which he could not help noticing with surprize and sorrow. He was certainly surprised and sorry to perceive, that after all that had passed upon this subject—after all that had occurred in discussion, and been excited in hope, no disposition whatever was expressed to conciliate the Catholics, or to adjust their claims. It was in the recollection of their lordships what had taken place at the close of the last session, both in that and the other House of Parliament. That in the latter, indeed, a distinct pledge had been entered into, fully to consider the Catholic Question, with a view to an ultimate and satisfactory arrangement. Was it now resolved to relinquish this pledge, to set aside all that had been done? There were too many grounds of suspicion upon this subject. Recollecting the expression of the noble earl opposite, and now at the head of his Majesty's government, (Liverpool), at the close of the last session, that he would oppose no barrier to the fair discussion of the Catholic claims, he could not doubt his candour, but yet he had heard of several proceedings, both in this country and in Ireland, where, to use an old phrase of lord Camden, the hand and fingers of government were "very visible." Indeed, so anxious was government considered in its hostility to the cause of the Catholics, that one cause of the dissolution of parliament was said to be in order to get rid of the pledge of the other House upon the subject; and if the rumours afloat were founded, that statement would appear not improbable. For according to this rumour it was the intention of ministers, after the Houses had sat for a few days, to adjust some matters immediately necessary to their own objects, to propose an adjournment for two months. If so, the practical effect of such an adjournment would be to evade the pledge for taking the Catholic Question into early consideration, which, combined with the omission in the Speech, was a bad omen for the Catholics. He did not mean at present to discuss the proposed conduct of ministers, or to cast any blame upon them, but merely to ask, and he should be glad to know precisely their intention, what was the state of the question, namely, whether all that had passed was to be regarded as gone *et nil*, and that the question was to be returned to again as a *res integer*?—There were some words, he observed, at the conclusion of the Speech not, he presumed as a matter of course, in praise of the constitution. Indeed there was a report that ministers had it in contemplation to propose an extension of the duration of parliament upon the demise of the crown: but this praise

of the constitution, combined with the opinion he entertained of the principles of his noble friend at the head of the administration, destroyed all belief in the rumour. He could not suppose it possible that his noble friend would for one moment entertain an opinion so fraught with alarm, and so incapable of excuse upon any pretence of utility or convenience. No, he was sure his noble friend had too much reverence for the ancient monarchical parliamentary constitution of the country, to meditate such an innovation as might lead to the most perilous consequences—to consequences, indeed, which, from the recently disturbed state of the public mind, he could not, he must confess, contemplate without dismay.—But to return to the panegyric which the Speech contained upon the constitution, they might hope that it did not imply any hostile reference to the Catholic cause.—The noble marquis finally recapitulated the several heads of his argument with regard to the war in Spain, the Swedish diversion, the co-operation with Russia, the rupture with America, the calm and deliberate discussion necessary previous to the decision of the East India question, and the adjustment of the Catholic claims, and concluded with expressing his opinion, that increased exertion must be made to strengthen our army in the peninsula, or it would be cruel towards ourselves, and our allies to continue the contest—to persevere in an useless effusion of blood and expenditure of money. For without additional strength, he was persuaded that the object of the war could not be attained, and that the continuance of the struggle, instead of being advantageous to this country, to Spain, or to the continent, would have a directly different operation. Having expressed these opinions, it was not his intention to propose any amendment; but he trusted that such attention would be paid to the suggestions he had thrown out as their validity might demand from his Majesty's ministers, whose system if longer pursued it would be impossible to endure.

The Earl of *Liverpool* rose in reply to the statements and reasoning of the noble marquis, from whom he differed in some as he agreed with him in other of the opinions he had just expressed. In none did he more cordially concur than in that which went to the situation of the country, which ought to be fairly, plainly, and clearly before parliament. He vindicated the conduct of ministers, who were ready to submit the whole of their proceedings and policy to the strictest scrutiny, whether referring to the civil or military government of the country—whether referring to disaster or to triumph—whether furnishing matter for congratulation, or events to deplore. With respect to the conduct of the war, he had read enough of the history of wars to enable him to pronounce, that those who therein looked for unmixed success and exemption from every species of reverse or exemption from misfortune, built, indeed, upon an unstable foundation, and rested on hopes which must turn out to be chimerical. But he trusted that where misfortune occurred, the mind of parliament and the public was too considerate and just, not to distinguish between that which was attributable to the contingencies of war and which resulted from inevitable circumstances, and that for which ministers or their agents might be deemed fairly responsible. The war in the peninsula,—he repeated the opinion which he expressed at the outset—the war in Spain he regarded as a new era in the history of modern wars, because in that case the people were most active in repelling their invaders. Unlike the people of Germany and Italy, who were passive spectators of the conflict produced by French invasion, the Spaniards were most forward to contend for the independence and old establishments of their country, therefore their cause held out an encouraging prospect and a good example, which the people of Russia were now so nobly emulating. It was this exhibition of a high national spirit which originally induced him to become an advocate for those measures of assistance which the Spaniards had received from this country. Indeed if this country had not afforded that aid, it would, in his judgment, have betrayed an indifference, not only to every high sentiment of liberty, but every, even the most common notions of policy. But while his object was to assist Spain, to afford to the Spanish people and to Europe the means of profiting by the circumstances which appeared so promising, he was certainly not so sanguine as many others who concurred with him as to the policy of granting the assistance. Whatever the result might be he thought it the duty of England to make an attempt in favour of Spain. The real question therefore was, whether the exertions of Britain were

commensurate with her means and resources, as well as with the importance of the object the attainment of which was in view. This was the true question. With regard then to the quantum or amount in the aid to be afforded, and also whether the aid were equal to the end, he could say, as to the first, that the utmost had been done for Spain which, consistently with a due attention to other objects, it was possible for government to accomplish. It was for those who maintained the contrary to shew how and where more might have been done, and he was astonished at the different manner in which the noble marquis had treated the subject. He had examined it with the eye of a statesman; for the exertions of a country must depend on the means which that country possessed. It might be said that in all contests great exertions had been made; but instead of this general assertion, he wished the noble marquis had shewn or would shew him how in the present instance greater efforts could have been made than had actually been made by the British government. As to the equality of our means to the end in view, our gallant commander in the peninsula had never been deceived by government with respect to the means in its power to afford, nor had any aid that officer required ever been refused. It would, indeed, have been an injustice to him, to our ally and to the country, to have deceived him on such points. Then considering the subject in all its bearings, how could any blame be imputable to ministers? He admitted, that at the period when the French army were so engaged with Russia, the opportunity might be more favourable for a distinguished effort in the peninsula; but considering the uncertainty of war, and the responsibility of government for the perpetual protection and safety of the empire, he would ask, whether it would be consistent with its duty, for one extraordinary effort, to throw away the means of future exertion; that knowing the most brilliant campaign has often no decisive influence upon the fate of war, whether a wise government should cast all on one die—should hazard the main power, the heart's blood of a country, merely to make a flourish—to risk perpetual strength for the peculiar triumph of one year? A government intrusted with the management of the resources of a great empire were bound to recollect that their cases were not momentary but everlasting; not partial but entire; and that they had to provide for the future as well as the present, and look to the safety of the whole, not to the display of some brilliant exploit upon a part. The country ought to know what exertions had actually been made, and it would be convinced of their sufficiency. But when the assertion was made that more ought to have been done for the peninsula; to refute this argument he would beg the House to consider and compare, and, for the purpose of comparison, to look to the proudest periods of our history—to the periods of king William and queen Anne, when the great duke of Marlborough wielded the energies of the nation with so much glory and success. Let all the relative circumstances be fairly taken into view, (the increase of population being admitted) and he would challenge the comparison. Our means had augmented in a surprising ratio; and within two or three years the increased strength of the military force of the country was prodigious beyond conception. For what was the actual state of our force in that quarter, which the noble marquis had said was so inadequately supplied? Why, that we had, on the 25th of June last, in the peninsula and the Mediterranean, an army of no less than 127,000 men in our pay; that was 91,000 British, including foreign or German troops, with 36,000 Portuguese. Such was our force, independently of Spanish auxiliaries, which received from us all the assistance in our power, in formation, equipment, and pecuniary supply. Nay, the British army alone, under the command of lord Wellington, at the period alluded to, amounted to 58,000. Now, he would appeal to their lordships whether the exertion which had collected such an army deserved to be characterised in such terms as the House had heard from the noble marquis; but more he would ask, whether three years ago any man in England could have been so sanguine as to imagine the collection of such an army practicable? Yet such had been the exertions of that government, which had also to provide for the protection of India, of our numerous colonies in the west, and for our home-defence. Then, as to our supplies since that period, which the noble marquis professed to think that ministers had left almost wholly unprepared; the fact was, that from the 25th of December last to the present, no less than 20,000 men, with 7,000 horses, had been sent to that

quarter. As to deficiency of equipment among our army, Buonaparté, who did not hesitate to take by force the means of equipping his soldiery, wherever he found them, had often felt such deficiency, while with us, who paid liberally for all articles, there was rarely any such complaints. But that our soldiers should be quite secure from privations, that they should at all times be completely equipped, it would be too much to expect in the ordinary vicissitudes of war. Where, however, such privations occurred—where they were reported by our illustrious commander, his requisitions were immediately attended to—indeed they were always complied with. This could and would, no doubt, be confirmed promptly by that distinguished commander himself, for it was a striking feature in his character, that he was as just to those who served him, as he was bold to those who opposed him—and it was another striking feature in his character, that he was never extravagant in his expectations or demands—indeed he was never likely to make such demands, because ministers took care that he should be always accurately informed as to the means of supply. That some inconvenience might have been felt from the state of the military chest, he was not prepared to deny; as the supply of specie at present must depend upon so great a variety of circumstances, out of the power of any ministers to controul; upon the means of obtaining money for bills upon the continent, and other causes, particularly the state of the Spanish colonies in America, which naturally interfered with the importation of bullion. But here again no blame could attach to government, for nothing practicable was left undone by them. There was, however, a limit to their means, as there was a limit to the means of any nation; by that limit alone government was confined in the struggles to assist these operations which the noble marquis called upon them to extend. But whether they could so extend them, he would be ready, at any time, to discuss with the noble marquis, with whom the *onus* would lie to shew where the resources for such extended operation could be found.—As to the Sicilian expedition, he had to state that it was prepared to sail early in March, and conducted throughout in concert with lord Wellington, who communicated regularly with the commander of that force. The appearance of this expedition off Catalonia, was, he was assured, of great utility, as it prevented Suchet from sending reinforcements to Joseph Buonaparté, who in consequence evacuated Madrid, and the arrival of this expedition at Valencia, instead of being a mistake, as asserted, was the result of plan and orders. That the late campaign had eminently succeeded, he was also prepared to prove. For what was the plan of the campaign—why, the capture of Ciudad Rodrigo and Badajoz—the expulsion of the French from the south of Spain, and the raising of the siege of Cadiz, and all these objects had been attained; and would not that man have been deemed very sanguine, who at the outset would have predicted the attainment of such important objects, particularly the liberation of the Spanish government, by the raising of the siege of Cadiz? In stating that the objects of the campaign had been accomplished he would not deny, that many of the hopes excited by the victory of Salamanca, had been disappointed. But that disappointment was not attributable to any want of energy on the part of his Majesty's government; nor was the conduct or scarcity of artillery at Burgos, so much dwelt upon by the noble marquis, any imputation upon government: for the fact was, there were three battering trains on the continent; and, besides these, one was sent last March to Lisbon, to be kept afloat, subject to the order of lord Wellington. According to the opinion, however, of the noble lord himself, Burgos must have been taken, if at all, without delay, and before any artillery could be brought to him. But the failure of our gallant commander's calculation, and the consequent re-capture of Madrid, was owing to the refusal of Ballasteros to obey his commands; which refusal facilitated the movements of the French force, and disconcerted lord Wellington's plan of operations.—Upon the subject of Sweden he could not, from considerations of state delicacy, say much in reply to the noble marquis; but thus much he could state, that the most perfect confidence prevailed between the governments of Russia, Sweden, and this country, and that nothing dissatisfactory had taken place in the transaction alluded to by the noble marquis. As to the story about the transports, he could only assure the House that he never heard of such a matter before this evening, and the affair was altogether new to him.—Adverting to America, he begged

the noble marquis, before he again affirmed the insignificance of a repeal of the Orders in Council, in the estimation of the American government, to recollect the dispatches of the government, and his own dispatches when in office also, which he seemed to forget, and which clearly demonstrated that these very Orders in Council were the great stumbling block in the way of an amicable arrangement tween the countries. He begged of him to recollect that not only the act of the government but also the acts of congress expressly declared the repeal of the retaliatory measure, the Non-importation act, depended upon the rescinding of these Orders. As soon as that very measure should be adopted, which the noble marquis now insists the Americans regarded as insignificant, the American government proclaimed that their counter-policy should cease to be enforced. When, however, the noble marquis asserted that we were unprepared for the American war, he would ask him to point out where and how we were unprepared? Were we unprepared in Canada, or was there any neglect at the Admiralty? He was prepared to discuss this question with the noble marquis; and upon this subject, as well as with respect to Spain, he would beg the noble marquis to come to close quarters—to state facts—to bring something specific, and abandon that style of loose and general accusation, of which the House had heard so much in the course of this discussion.—"Now, as to the concluding topic of the noble marquis's speech, I have not," said the noble earl, "made use of any expression with respect to the Catholic question, to which I do not adhere. My opinion I have always publicly proclaimed upon this subject. I have resisted, and I will resist, the proposition for entering into the consideration of the Catholic claims, because I cannot see my way to any adjustment of those claims, likely to satisfy the Catholics. I therefore think it more consistent to oppose the proposition at once, than to seek to defeat it by what are called guards or securities. I meet the Catholics openly and publicly, and will never attempt to disappoint wishes by any little underhand opposition—by any schemes or subterfuge. My system of opposition I feel to be more fair and candid, and therefore I will continue to pursue it. In stating this to be my intention, I declare merely my individual opinion, without meaning to sway the judgment of any of my friends."

Lord *Grenville* rose in reply to the noble earl, and declared he would not shrink from the opinion he had originally expressed on the subject of the war in Spain. He complimented his noble friend (marquis Wellesley) on the admirable manner in which he had developed his sentiments on the general state of affairs, and particularly on the foreign policy pursued by the ministers of the crown, and characterised the answer, which the noble earl had made to the speech of his noble friend, as feeble, inconclusive and foolish. His noble friend's views were justified both by the Speech from the throne, and still more fully by the noble earl's reply. His lordship then proceeded to state, that he did not deny, or disavow, some words attributed to him by the noble earl. These words he had used on former occasions: but, so far was he from believing them wrong, that he thought he was, this night, fully justified in the use of them, by what had been spoken on both sides of the House. He could not but condemn the replies in general terms resorted to by the noble earl at the head of the administration, a species of discussion in which he was so fond of dealing upon most occasions; whilst the speech of the noble marquis, in which he pointed out the definitive object we ought to have in view in the campaign in the peninsula, whilst it abounded, like every thing that fell from his noble friend, in statesmanlike principles and details, met with his highest commendation. That one ultimate object, stated by his noble friend, deserved, and had his approbation. Whilst the noble earl's comment on the subject of that definitive object, was general, imperfect and desultory. When we engaged first in the peninsular war, the question was not then what it was at present. It was not then, as at present, a question in which all Europe was concerned and engaged; for now all the armies of Europe were or had been lately engaged against this country. Before ministers embarked in the contest, therefore, as had been justly stated by the noble marquis, they ought to have asked themselves what was the definite object they had in view, and what were their means of attaining it. Only one object was professed, and that was the total exclusion of the French from the peninsula, and without being *a priori* assured of adequate means to effect that purpose, it was cruel and base to embark the population of a country in so hopeless a cause, merely

for the sake of a little temporary advantage. But France had originally military possession of the country, and was it reasonable or at all feasible to expect at the outset that her vast power could be overmastered by the single efforts of the military means and resources of this country? He therefore contended that when the war commenced he was justified in holding the opinion that there was no chance of any favourable result from the intervention of the arms of Great Britain or any aid we could afford the Spanish nation. At no period could our means be considered adequate in the contemplation of such an enterprize. How, then, could they have been reckoned sufficient when France possessed the whole resources of the continent and wielded the arms of Europe in alliance with her own? Whatever, therefore, chance might since have produced, he contended that the deliverance of Spain in the view of a statesman was originally beyond the utmost means of this country, and that this position had been since established by experience. The allusions made by the noble earl to the periods of king William and queen Anne were without analogy and inconclusive. As to his own former observations and reasonings, they had reference to a different state of France, in which she had not such a union of all Europe to support her. He was of opinion, that it was only when we saw a powerful embodied army on the continent belonging to our allies, that we ought to put forth our exertions; and that we ought to assist our continental allies only as auxiliaries, not as principals. No diversion had been made in concert with lord Wellington, where it ought to have been made, unless we could call that one which was made in the fens of Walcheren. His noble friend had well stated that the ministry had not as yet advanced one step in their accomplishment of their object in the Spanish war: why, then, should he be ashamed to avow his former opinion, when this third advance into the interior of Spain had, by its failure, proved the correctness of the data on which that opinion was founded? Nor must the noble earl think, that he had answered his noble friend when he stated the number of our troops on the continent, or when he made a boast of having delivered Andalusia from the French. This was an empty boast; for no one believed that the release was more than temporary, and that the French army could not re occupy the province whenever they pleased. The spirit of the Spanish peasantry was good, but there was none in the Spanish nobility. The reasons assigned by the noble marquis for the failure of the campaign were the true ones: not those stated by the noble earl, who confessed that he always expected co-operation from the Spaniards. It was the want of means; the failure of supplies and resources; and not disappointment in expected co-operation on the part of the Spaniards (a hope and expectation now cherished for the fiftieth time and as often proved abortive) which had led to the improductive result of all these exertions. The blame did not lie with the Spaniards, but with those who encouraged hopes which they had no right to entertain. The truth was, the Spaniards were not possessed of the materials for this co-operation, and the fault was with the noble earl and his friends the English ministers, who in their ignorance overrated the condition of Spain, and anticipated more from her than she was or could by possibility be able to perform. Were he in the noble earl's situation, he would rather confess the inadequacy of his policy, than come forward and say, at the end of the year,—'O dear; we expected such things, but we have been disappointed.' If they had, as they boasted, 130,000 men on the continent, why was there so little done, when the expence was so great? or why were 20,000 British troops kept idle in Sicily? Had the measures of his noble friend (earl Grey) on leaving office in 1807 been adopted, that would have prevented the necessity of locking up such a force in Sicily. But their non-adoption could not create surprize; as it was now pretty well understood, that an epigram caused these men to be kept in Sicily, when they ought to have been in Spain. This was another of the effects of that fashion among the present ministers which affected to despise every thing coming from those who preceded them, but if instead of this folly they had followed the good counsel left them, they would have placed these men at the immediate disposal of lord Wellington, and thereby, in all probability, decided at once the fate of the peninsula. But, with regard to Spain, ministers were always too late; and the noble earl was obliged to recur to his last and usual defence—the abuse of his agent, whom he charges with the failure of the co-operation from Sicily, which was expected by lord

Wellington. As usual they sent the force when too late to be of any service.—There was another point on which he expected some explanation. He expected to be informed why ministers, with a revenue of one hundred and five millions or more by estimate, extorted by means most grinding and oppressive upon a suffering people, were yet in a situation to confess their inability to supply the military chest of lord Wellington. The difficulty, however, did not arise from the deficient resources of the country, much as they had been drained, but must be traced to the noble earl's real inefficiency, and to that of his colleagues. They might diminish by one half the income of every individual in this country, with as little effect, or prospect of ultimate success, as had attended them in those plans and speculations which led them to circulate a vile and adulterated currency in paper and in coin throughout the nation; when such had been its effects, why not then rather stop at this moment the contest in Spain? His lordship again paid a tribute of applause to the speech of the noble marquis, who did not, like the noble earl, condescend to deal in loose principles, vague analogies, or in general assertions, but went on reasoning, point by point, as full of facts as he was of sound theoretical principles, and of practical political wisdom. As his Majesty's ministers had not made sufficient disclosures, he did not wish to press them at present with respect to our connections with Sweden. But he must say, that in his opinion much might have been done there, although very little had been effected.—With regard to America the ministers evinced their folly in expecting that the repeal of the Orders in Council, when that took place, could have produced conciliation in the government of that country. But there was a time when it would have carried that effect. The noble earl it seemed had yet, in common with politicians of his stamp, to learn, that concessions made too late would always produce irritation. It was so with regard to Ireland as well as to America. The details brought to light relative to the condition of our manufacturers, ought to have convinced ministers, that the repeal of the Orders in Council, when it took place, could not have produced a spirit of pacification in America—although twelve months before it might have had that effect. The American government were always hostile, but had not the means of shewing their hostility sooner. But now they displayed their spirit, when our government had put the means in their power; particularly by the disclosure of the condition of our manufacturers; for this it was that had given spirit to America. Had government no other reasons for such a measure, they ought to have conciliated America sooner, for the purpose of making more vigorous exertions in Spain. They were as yet, however, ignorant of the circumstances which led to the American war, for this matter was still kept a secret: and he could not but blame the omission of this cause in the Speech from the throne. He knew that there were perverse irritations on both sides, and though he wished for peace with America, it was only on such terms as would be consistent with the preservation of our maritime rights, without which he would prefer the continuance of the war with that country.—His lordship then concluded with avowing his confirmed opinion of the expediency of throwing the constitution open to the Catholic subjects of the state; a measure which justice, wisdom and policy alike recommended as necessary and advantageous to the dearest interests of the country.

Earl *Bathurst* vindicated the conduct of ministers with respect to the war in the peninsula, more especially in regard to the degree and nature of the reinforcements to be forwarded to the marquis of Wellington. He observed, that his noble relative opposite well knew the entire confidence ministers placed in that illustrious person, and adverted particularly to the point of lord Wellington's not deeming it advisable to send new regiments to Spain; so particularly careful was that excellent officer of the health of his troops.—With respect to the force from Sicily, the fact was, that lord William Bentinck had instructions to send such a number of troops as was consistent with the other objects to which he had to look. The objection, that by the force sent thence not remaining in Catalonia, the baron D'Erolles was disgusted, had no force, inasmuch as, since that period, (as had appeared by the Gazette) our naval force had been in active co-operation with the baron D'Erolles. As for the charge of not sending reinforcements to the marquis of Wellington, the fact was, that in the month of June lord Wellington sent a dispatch requesting, unless some extraordinary circumstances occurred, that no new corps might be sent out to him, because they were more likely

to be affected by the heats of summer. It was, therefore, that no new corps were sent, until intelligence had been received of the battle of Salamanca, which was considered an extraordinary circumstance as to require reinforcements to be sent. With regard to the United States of America, he contended that the conduct of ministers had been throughout consistent. The papers relative to the correspondence and intercourse between the governments were not on their lordships' table, because his Majesty's ministers had not yet received the final answer to a proposition made to the United States through sir John Borlase Warren; in the mean time, he took leave to say, that the Orders in Council were not now the only grounds of demurrer on the part of that government.

Marquis *Wellesley*, conceiving that some points urged by noble lords opposite were personally applied to him, shortly explained, that he thought nothing which fell from him warranted a personal allusion on their parts. He warmly remarked, that during the whole period to which he spoke, he had considered the system of the war in the peninsula inadequate to its object; an opinion which he had uniformly declared, and in adherence to which he had resigned his office as secretary of state. *He could not particularise objections without the permission of his sovereign or his representative*; but if he was allowed an opportunity, he should be ready to meet the noble lords, point by point, upon that subject, either in public or private, and before any tribunal to which he might be summoned.

Viscount *Melville* defended the conduct of the Admiralty with respect to the American and West India stations, observing, that on the Halifax station alone, long before the commencement of hostilities, the squadron was double the strength of the whole American navy. This he enumerated, as well as the force in the West Indian seas; and stated the American navy to consist of five frigates, and a few sloops of war. It was impossible to guard against such casualties as were alluded to by noble lords opposite, (the capture of the Guerriere frigate); but care was taken to render such attempts an extreme risk on the part of the enemy.

Lord *Grenville* said, he did not think so badly of ministers as to charge them with neglecting to provide a naval force superior to the American navy, which only consisted of five frigates. His charge was, that they did not send sufficient reinforcements of troops, and that our military force in Canada was, in consequence, inferior to that of the assailants.

The question was then put, and the Address agreed to without a division.

The Earl of *Liverpool* moved, that lord Walsingham be constituted chairman of all the committees of that House during the present session of parliament; a motion, the propriety of which, he was confident every noble lord would acquiesce in.

The *Lord Chancellor* observed, that if the House could secure the services of the noble lord, they would be a blessing.

Lord *Walsingham* shortly expressed his grateful sense of what had fallen from the noble lords.

The question was put, and ordered accordingly, *nem. diss.*

HOUSE OF COMMONS.

Monday, November 30.

THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.] The Speaker acquainted the House that that House had been in the House of Peers, where his royal highness the Prince Regent had delivered a Speech to both Houses of Parliament, of which, to prevent mistakes, he had obtained a copy. *[See p. 12.] After the Speaker had read the Speech,*

Lord *Clive* rose to move an Address in answer to the most gracious Speech of his royal highness the Prince Regent. In the liberty he then took of offering himself to the notice of the House, it was not his intention, nor would it be necessary, to trespass at any length upon their indulgence. With respect to the first part of the Speech, he felt confident that every person in that House, and in the country, lamented not less than himself the situation of the illustrious personage to whom it alluded. There was no one who could avoid feelings of the most lively regret when he reflected, that a life spent, as that of his Majesty had been, in the practice of every virtue that was honourable to our nature, that could adorn or dignify the man or the sovereign, and which had rendered him dear to the hearts of his subjects, should, towards the close, be deprived of that rest and of that repose which were due to his merits and to his virtues. The next point in his Royal Highness's Speech to which he would allude, was one of sincere and heartfelt gratulation, the successful resistance that had been made in the Peninsula

by our gallant countrymen to the encroachments of France. Often as they had had occasion, within the last four years, to commemorate the achievements and applaud the distinguished conduct of the general, and the army employed in the protection of Spain, yet in no instance since the commencement of that struggle, was skill or valour so greatly displayed as in the decisive and glorious battle of Salamanca. The consequences of that victory were as sudden and important as ever followed from conquest. The siege of Cadiz was raised; Madrid was evacuated by the enemy; all the south of Spain was relieved from their oppressions; and what was a yet more important consequence, lord Wellington was raised to the rank of generalissimo of the Spanish forces. This was the most important result of all. If any thing could tend more powerfully than another to give vigour and success to the exertions of the Spanish people, to render effectual their efforts for their own deliverance, it was thus placing their resources at the disposal of a person so well able to guide them, and vesting so skilful a commander with the controul of their armies.—He would next take the liberty of congratulating the House on the relation in which they stood to Russia, and in general on the new connections which had sprung up between Great Britain and the northern powers of Europe. The circumstances of Russia, he was happy to say, were such as left no ground for despondency. The Russians, it was true, had met with some reverses, but they were not sufficient to damp their ardour, or quell that enthusiastic love of country, which should animate every bosom. That spark of resistance, which had been lighted up in Spain, they had the satisfaction to behold rapidly spreading over Europe, and already extended to the extremity of the north. He was doubtful to which part of the prospect, now held out by Russia, he should first call the attention of the House; whether to the spirit and decision of the emperor himself, or to the skill of his generals, or to the sacrifices so cheerfully made by the nobility, or to the valiant men who fought under their command; but to whatever part of the picture they directed their attention, whether to the magnanimity of the emperor, the talent of his generals, the bravery of his troops, or the devotion of his subjects, they would find abundant matter for exultation. On these topics it was unnecessary to dwell. They were the admiration of every person who could know and appreciate them. From one end to the other of that vast empire there seemed to be only one object in view, and that object was resistance to the enemy. From one end of it to the other, there seemed to be only one subject of contention, and that was who should contribute most to the defence of their laws, their religion, and their country. Such were the men whom for their bravery and their zeal, the oppressor of Europe would stigmatise with the name of Barbarians. If enthusiasm in the protection of every thing that was dear to our nature could merit the name of barbarism, he, for one, would wish to know where patriotism was to be looked for, and must express a hope that such barbarity might never be removed by civilization. But this was not the first time that a conqueror, when he found himself unable to combat the difficulties that opposed his progress, endeavoured to load with the same stigma the persons who had the boldness to resist him; in which a disgraceful attempt was sought to be covered under the offer of indignities to a gallant people. Alexander the Great, under much the same circumstances, chose to designate as robbers and barbarians, the ancestors of these very Russians who had the courage to oppose his encroachments. To such language they answered as they ought to have done, "that not to them who defended their country, but to him who came to despoil it, the appellation of robber was applicable;" and he would ask, might not the Russians now exclaim to Buonaparté, as their ancestors did to Alexander the Great, 'At tu, qui 'te gloriaris ad latrones persequendos venire; omnium gentium quos adisti, latrones.' Might not Russia with great truth thus address Buonaparté, "By what right do you designate us as barbarians; why cast upon a nation whom you are wantonly attacking, the stigma of being robbers? How are you rendered so equitable a judge as to be competent to form an estimate of us? What have we done to deserve this stigma?—nothing but what you yourself have done, and are still doing by stealth, for our only crime was a wish to trade with Great Britain. But is there any crime in which you have not wallowed, even without the excuse of provocation? What has been the practice of your life for the last twenty years? Is there a corner in Europe, Asia, or Africa,

that has not witnessed your contempt of every thing that is sacred among men? Have you a single Russian of whom you can boast that he has deserted the cause of his country to join your standard? On the other hand, have you not carried your oppressions so far as to render them intolerable even to your own family? Has not the brother whom you set as a king over the population of Holland abdicated his situation to avoid your tyranny? Has not another brother thrown himself into an enemy's country, where he finds that security and that protection which you refused to give him? Which, then," might the Russian exclaim with triumph, "is the greater barbarian, I who defend my country from unjust hostility, or you who wantonly attack it? And yet you call us barbarians! You, Napoleon, whose practice has been throughout your career "*Auferre, traducere, rapere!*"—He would now beg leave to call the attention of the House to that part of his Royal Highness's Speech which referred to Sicily, and he could not but congratulate them upon the result of a negociation with that power, which was likely to prove equally serviceable to both countries. One effect of that negociation would be, to organize a much more powerful force than before existed for the defence of that island, and disposable for the promotion of the common cause. Every person, he was sure, would rejoice on hearing that the Regent was desirous of bringing Sicily into such a state as would be most conducive to its own interest, and to that of Great Britain.—While every one must agree with his Royal Highness in regretting, that all our efforts to stand in those relations of amity with America which could be wished, had proved ineffectual, it was nevertheless a subject of high satisfaction to contemplate the valour and loyalty displayed in our transatlantic territories. The steady zeal and warm attachment to the mother country, lately evinced by the people of Canada, was a subject for congratulation which he could not pass over upon the present occasion. They had withstood every attempt which had been made by America to seduce them from their allegiance, and the efforts to invade their territories were equally unsuccessful. In the first attempt at invasion the whole American force surrendered to much inferior numbers; and in the second, even the prisoners taken exceeded the British army employed against them. Wherever the British troops were employed, whether in Europe or in America, they never failed to display that bravery for which they were always distinguished. They required nothing but opportunity to display their intrepidity and firmness, and victory was sure to follow; and these instances of success in America he was happy to hail as the earnest of future glory, when our fellow subjects in those parts would meet the foe and earn fame to themselves and honour to their common country.—With respect to the renewal of the East India Company's Charter, it would not now be necessary for him to enter upon that subject at present. When the proper time should arrive, he believed the House would be fully prepared to take that important question into their serious consideration.—Allusion had been made in the Speech from the throne, to the late unfortunate disturbances that prevailed in some parts of the country. He was happy to see that these disturbances were now put to rest by the salutary measures to which the government had found it necessary to resort.—Such were the principal topics of the Address which he meant to propose to the consideration of the House before sitting down. He could not, however, but once more congratulate them upon the favourable change that had taken place in the affairs of Europe. How different was the prospect now to what it was at the meeting of the last parliament! He might say that Great Britain was at that period alone and unaided in the contest. The influence and the arms of France were felt almost without resistance in every part of Europe. There was hardly any part of Spain in which its power was not then felt. The great resources of the enemy were then unbroken. He had a mighty and victorious army on foot, commanded by men of the first character for military talent, Portugal was then robbed of the greater part of her territory; and Russia and Sweden were neutralized by intimidation and the threats of Buonaparté. But how greatly were things altered for the better. Russia was now up in arms against her oppressor, and Sweden was not unfriendly to her cause. She had driven from her territories a numerous and powerful host that threatened her with ruin; and Buonaparté, so far from realizing the high and boasting promises with which he had entered that country, was now endeavouring, after defeat and disgrace, to

save himself by flight and secure a retreat to Poland. In Spain also, lord Wellington had beat one of the most numerous and best equipped armies the French had ever brought into the field, and obliged them to draw together all their disposable forces and evacuate the southern provinces for the purpose of opposing his victorious progress. What was there, he would ask, they might not hope from such a state of things? When the spell was broken and Europe was at length convinced that Buonaparté and his armies were not invincible, was there not reason to expect that the nations oppressed by his power would rise to assert their rights, and recover that honour they had suffered him to tarnish? Was there not reason to expect that the descendants of the great Frederick would again come forward to oppose, as he had often done, the devouring power of France; that they would again come forward like the brave people of Russia, and exclaim, "We also are men, and will not submit any longer to the encroachments of our oppressor." Was there not reason to hope that the words of a great departed statesman would be realized, and that they should live to see that "Britain had saved herself by her firmness, and that Europe would also save herself by following the same course." He would not trespass any longer upon the time of the House, but should conclude with moving,

"That an humble Address be presented to his royal highness the Prince Regent, to thank his Royal Highness for his most gracious Speech:

"To assure his Royal Highness, that we most sensibly share in the deep concern which his Royal Highness has expressed at the continuance of his Majesty's lamented indisposition, and at the diminution of the hopes which his Royal Highness had so anxiously entertained of his recovery:

"To express our cordial participation in the satisfaction derived by his Royal Highness from the improvement of our prospects during the course of the present year:

"That we have observed, with the utmost satisfaction, the valour and intrepidity displayed by his Majesty's forces, and those of his allies in the peninsula, on so many occasions during this campaign, and the consummate skill and judgment with which the operations have been conducted by general the marquis of Wellington, and which have led to consequences of the utmost importance to the common cause:

"To congratulate his Royal Highness on the glorious and ever-memorable victory obtained by that illustrious officer at Salamanca, by which great achievement, and by the other operations which have transferred the war into the interior of Spain, he has compelled the enemy to raise the siege of Cadiz, and the southern provinces of that kingdom have been delivered from the power and arms of France; that while we regret that the efforts of the enemy, combined with a view to one great operation, have rendered it necessary to withdraw from the siege of Burgos, and to evacuate Madrid, for the purpose of concentrating the main body of the allied forces, it is satisfactory to reflect that these efforts of the enemy have nevertheless been attended with important sacrifices on their part, which we trust will materially contribute to extend the resources and facilitate the exertions of the Spanish nation:

"To assure his Royal Highness, that we are determined to continue to afford every aid in support of a contest which has first given to the continent of Europe the example of persevering and successful resistance to the power of France, and on which not only the independence of the nations of the peninsula, but the best interests of his Majesty's dominions essentially depend.

"To return his Royal Highness our humble thanks, for having been graciously pleased to direct copies of the Treaties between his Majesty and the courts of Saint Petersburgh and Stockholm, to be laid before us, and to assure his Royal Highness that we participate in the pleasure expressed by his Royal Highness at the restoration of the relations of peace and friendship with those courts:

"That we have observed, with sentiments of the highest admiration, the resistance which has been opposed by the emperor of Russia to so large a proportion of the military power of France, assisted by its allies and by the tributary states dependent upon it, in a contest for his own sovereign rights, and for the independence of his dominions: by his imperial majesty's magnanimity and perseverance, by the zeal and disinterestedness of all ranks of his subjects, and by the gallantry, firmness, and intrepidity of his forces, the presumptuous expectations of the enemy have been signally disappointed: the enthu-

siasm of the Russian nation has increased with the difficulties of the contest, and with the dangers with which they were surrounded: they have submitted to sacrifices of which there are few examples in the history of the world, and we indulge the confident hope that the determined perseverance of his imperial majesty will be crowned with ultimate success, and that this contest, in its result, will have the effect of establishing, upon a foundation never to be shaken, the security and independence of the Russian empire:

"That we learn with peculiar satisfaction the proof of confidence which his Royal Highness has received from his imperial majesty, in the measure which he has adopted of sending his fleets to the ports of this country, as well as the determination expressed by his Royal Highness to afford his imperial majesty the most cordial support in the great contest in which he is engaged:

"That we rejoice to find that his Royal Highness has concluded a Treaty with his Sicilian majesty supplementary to the treaties of 1808 and 1809, and to return our humble thanks to his Royal Highness, for his gracious intention of laying a copy of this Treaty before us as soon as the ratifications shall have been exchanged; and that we trust the object will be attained which his Royal Highness has had in view, of providing for the more extensive application of the military force of the Sicilian government to offensive operations against the common enemy:

"That whilst we learn from his Royal Highness, that the declaration of war by the government of the United States of America was made under circumstances which might have afforded a reasonable expectation that the amicable relations between the two nations would not long be interrupted, we participate in the regret expressed by his Royal Highness, that the conduct and pretensions of that government have hitherto prevented the conclusion of any pacific arrangement:

"That we rejoice to learn, that notwithstanding the measures of hostility which have been principally directed against the adjoining British provinces, and the efforts which have been made to seduce the inhabitants of them from their allegiance to his Majesty, his Royal Highness has received such satisfactory proofs of loyalty and attachment from his Majesty's subjects in North America, and that the attempts of the enemy to invade Upper Canada have not only proved abortive, but that by the judicious arrangements of the governor-general, and by the skill and decision with which the military operations have been conducted, the forces of the enemy assembled for that purpose in one quarter have been compelled to capitulate, and in another have been defeated with considerable loss:

"To assure his Royal Highness, that we fully rely on the exertion of his best efforts for the restoration of the relations of peace and amity between the two countries, but that until this object can be attained, without sacrificing the maritime rights of Great Britain, his Royal Highness may rely upon our cordial support in the vigorous prosecution of the war:

"To return our humble thanks to his Royal Highness, for having directed the estimates for the services of the ensuing year to be laid before us; and to assure his Royal Highness, that we will readily furnish such supplies as may be necessary to enable him to provide for the great interests committed to his charge, and to afford the best prospect of bringing the contest in which his Majesty is engaged to a successful termination:

"That we will not fail to take into our early consideration the propriety of providing effectually for the future government of the provinces of India, and that in considering the variety of interests which are connected with this important subject, our best efforts will be employed in making such an arrangement, as may best promote the prosperity of the British possessions in that quarter, and at the same time secure the greatest advantages to the commerce and revenue of his Majesty's dominions:

"That we sincerely participate in the satisfaction expressed by his Royal Highness at the success of the measures adopted for suppressing the spirit of outrage and insubordination which had appeared in some parts of the country, and at the disposition which has been manifested to take advantage of the indemnity held out to the deluded by the wisdom and benevolence of parliament: we trust that his Royal Highness will never have occasion to lament the recurrence of atrocities so repugnant to the British character; and that all his Majesty's subjects will be impressed with the conviction that the happiness of individuals, and the welfare of the state, equally depend upon a strict

obedience to the laws, and an attachment to our excellent constitution:

"That his Royal Highness may be assured, that the same firmness and perseverance which have been manifested on so many and such trying occasions, will not be wanting at a time when the eyes of all Europe and the world are fixed upon us; and that fully convinced as we are that, in the exercise of the great trust reposed in his Royal Highness, he has no sentiment so near his heart as the desire of promoting, by every means in his power, the real prosperity and lasting happiness of his Majesty's subjects, he may at all times rely on the loyalty of the people, and the zealous and cordial support of this House."

Mr. *Hart Davis* said, that in rising to second the Address, it was not his wish or intention to trespass long upon the indulgence of the House, by a protracted notice of the topics which it contained. They had been so ably elucidated in the Speech itself, and the noble mover had so well and so clearly detailed the reasons that operated upon him in proposing the Address, that he should have little occasion to detain them long. Though unwilling to intrude upon their attention, he could not however resist the motives that induced him to second the Address. At a moment like the present, when Europe looked up to this country as the principal source from which resistance to the power of France was to be expected, and all eyes were turned upon us as the source whence the liberation of Europe was to flow, it was superfluous to state that his Royal Highness was called to the government at a most important crisis. In reviewing the events that had taken place since his accession to power, it was impossible not to dwell with hope and with pride upon the splendid success which had attended the British arms, in every part of the world in which they were employed. Spain had witnessed that success, almost in every one of its provinces. It was not necessary for him to recur to the bravery by which Badajoz had been relieved, or to the splendid victory at Salamanca, or the consequences that followed from that victory. Wherever British soldiers were brought into action, they displayed prodigies of heroism that must have filled every person who heard him with exultation. But, cheering as was the prospect which Spain held out, he was happy to say that the prospect was not less cheering in the north of Europe. When Buonaparté entered Russia, regardless of the lives of those whom he led to conquer it, and of the rights of those whom he invaded, he flattered himself that he could, after entering Moscow, dictate a peace to the Russians with the same insolence as he had before done to the Austrians at Vienna; but Russia, with a degree of firmness and self-devotion almost unexampled in history, had sacrificed a capital to save an empire, and by that means defeated the proud designs of her invader. He was now farther than ever from the attainment of his object, for scarcely had the despot time to ruminate amid the ruins of Moscow when he was obliged to have recourse to a disgraceful and disastrous retreat. The emperor of Russia had shewed that he was not a person to be intimidated by threats, or deceived by negociation. In France he had found an implacable foe; in Britain a friend, upon whom he could place a steady reliance. Of his reliance upon British honour he could not give a stronger proof than his determination of sending his fleets into the ports of this country.—With respect to America, every person must lament that the endeavours for bringing about a peace had been unsuccessful. The removal of the Orders in Council naturally induced an expectation, both in the House and in the country, that America would embrace that opportunity of removing whatever causes for hostility existed between the two countries, and contribute her assistance against the common foe of Europe and of the world. The event, however, unfortunately, did not justify such expectations, and the American government had thought proper to commence hostilities. War was, he would confess, a thing always to be deplored, but as the endeavours to avoid it had been unavailing, he willingly anticipated on the part of this country, that union and energy in the prosecution of it, which the enemy would not fail to employ on their part. He doubted not but the voice both of the House and of the country would concur in the determination to prosecute it with vigour. With respect to the troubles that had lately prevailed in the northern parts of the country, he could not but congratulate the House upon their removal, which was to be attributed to the mild and early measures adopted by the government. The time was now, he hoped, arrived, when a

more vigorous resistance might be expected to the power and the encroachments of France. It was by a resistance strong and persevering, and by such resistance only, that they could hope for a lasting and honourable peace. Such a peace was only to be won by impressing upon the enemy a conviction of their power to resist his efforts; and it was only by such a peace that they could give to the exhausted powers of Europe, safety, independence, and prosperity.

A pause of some length here ensued. The question was put, and was about to be carried without discussion, when

Mr. *Canning* rose, and spoke to the following effect:

Sir; I have no intention to interrupt the unanimity with which the question in your hand seems about to be carried. I have waited until the very last moment in the expectation that the rumour which has been so currently circulated of an amendment to be proposed from another quarter, would be realised; having myself no amendment to offer; and wishing for the convenience of the order of debate, to follow rather than to precede the speech of the hon. gentleman who was expected to propose one. But no such proposition being made, and the question being put from the chair, I cannot allow it to pass without explaining the grounds on which I concur in the Address that has been moved, and the qualifications with which I feel myself bound to accompany that concurrence.

Sir, whatever amendment, if any, had been proposed, I should have felt, that under the circumstances of the time, and under the circumstances in which the House and the country are placed, it would have been desirable, in making our decision between two different forms of address, to decide in favour of that which would least pledge our judgment, and would allow the greatest freedom to our future deliberations. In the first session of a new parliament,—a parliament too in which there is a greater infusion of new members than is ordinarily seen on a change in the representation; in a state of public affairs so complicated as that in which the country is at this moment placed,—when we are called upon to answer a speech from the throne, embracing so many important topics, upon many of which enquiry and information may be requisite, it would have been highly undesirable that this House should pledge itself, in any way, by a precipitate decision; and as any amendment that could have been proposed, would in all probability have been more precise than the Address moved by the noble lord, I should undoubtedly have preferred the original Address to such an amendment. The Address, so far as I have been able to collect its tendency, very properly abstains from pledging the House to any thing farther, than that to which every individual in the House, and every individual in the country, must be ready to testify an instant and cordial assent, namely, to the affording every possible support to the executive government in the great contest in which we are engaged. It goes no farther than to rejoice at the fortunate, and to lament the unfortunate, occurrences of the last six months; to promise every aid that may be necessary to improve the former, to repair the latter, and to bring the whole to a happy issue. In these pledges, Sir, I trust that every man who hears me, and I am confident that an incalculable majority of the country at large are prepared, without hesitation, to concur.

But, if the Address proposed by the noble lord, however unexceptionable in its general tenour, had been allowed to pass without comment or observation, it might possibly be inferred that every man who had concurred in it was bound to approve the details of every measure referred to in it, and that all enquiry was precluded by this unanimous and approving vote, on points which might hereafter appear to require further illustration. It is merely to guard myself against such a sweeping conclusion, that I presume, Sir, at the present moment, to detain you and the House for a short time, while I explain my sentiments on several of the topics comprehended in the noble lord's Address.

Sir, the general view of our situation naturally divides itself into domestic and foreign; and the foreign portion of that view into the contemplation of three distinct wars, in which we are principals or accessaries.—The first is the war in the north of Europe, which we are cheering with our encouragement, animating with our applause, and following in its progress from day to day with our fondest hopes and most lively anxieties; but with respect to which our situation is that of deeply interested spectators rather than of active partisans. The second is the war

in the peninsula, carried on principally from our own resources, aided however in some degree by those of the allies whose cause is immediately concerned; and upon the measure of whose co-operation, therefore, our success must in the same degree depend. The third is the war with the United States of America, in which we are engaged alone, and in the conduct of which, therefore, our government is exclusively responsible.

With respect, Sir, to the war in the north of Europe, it was well said by the noble lord who moved the Address, that it is the child of that great effort in the peninsula, which has enabled Europe to reflect on its condition, and has roused it to a struggle for emancipation. There can be but one feeling—that of unbounded admiration—at the great efforts which Russia has made. Noble indeed has been the struggle, and glorious beyond anticipation the results in that quarter;—there—even there, where the tyrant of the world doubtlessly anticipated an easy victory, and concluded, from former experience, that one decisive battle would be the precursor of an abject peace—there, where thinking that he knew his man, and that he should have only one man to cope with, and to cajole, he found what he had forgotten to take into his estimate, a nation;—where imagining that, having issued a bulletin and taken a fort, his work was done, he unexpectedly found a countless population thronging to the standard of their sovereign, prepared for exertions and for sacrifices such as the world has seldom, if ever, witnessed before; and opposing not merely with the arms of a disciplined soldiery, not merely with the physical mass of impenetrable multitudes, but with famine and with fire, with the voluntary destruction of their own resources, and with the conflagration of their own homes, the progress of his desolating ambition. Sir, there is no man who can contemplate the recent occurrences in the north of Europe without feeling his heart burn within him. There is no man who can contemplate them without exulting at the defeat of those principles of false philosophy which, having first misled the world, have at length deceived those by whom they were originally asserted. The invader of Russia flattered himself, as the noble mover of the Address has justly observed, that a nation, to which he affixed the appellation of barbarous, and which he pictured to himself as in a condition of degrading and disheartening servitude, could entertain no generous and patriotic sentiment. He had yet to learn, that there is a principle of instinctive patriotism, which prevails even over the vice of positive institutions; he had to learn that in spite of the doctrines, and it may be added of too many of the events of the last twenty years, it is not an universal truth that before the people of any country determine to resist an invader, they coldly speculate on all the possible improvements to be made by regenerating laws in the actual condition of their society, that they refuse to draw a sword in defence of their altars or their fire-sides, until they have weighed well the question, whether they be worth defending, and entered at full leisure and with all imaginable research into a comparative anatomy of various political constitutions. Sir, the invader of Russia has found that the natural feelings of man, the sacred attachment to home, the ties of custom, of family, of kindred, are enough to arouse resistance to a foreign invader, come though he may with splendid promises of freedom and improvement; that he may be resisted, and gallantly and effectually resisted, by those whom he proposes to regenerate, not merely because it may be apprehended that he might not realize those promises, but simply because he is a foreigner and an invader. Sir, if this were to be the sole result of what has taken place in the north, it would be an invaluable addition to,—or rather it would be a timely and salutary revival of, those ancient maxims of national independence, which the convulsions of the modern world have almost buried in oblivion. But is this all? Can any man who looks at the present condition of Buonaparté, with what wonderful ability soever he may have rescued himself from former difficulties, (and I am sure, I am not disposed to deny him the possession of stupendous ability) but can any man look at his present condition, and so chastise his feelings as not to entertain a sanguine hope of events most decisively favourable to the general cause of Europe?

This, Sir, is the view which I at least take of this subject. So far as I can be apprised of the circumstances, I give full credit to ministers for the conduct which they appear to have pursued towards Russia—in what regards the commencement of the war, and for (what I

take for granted to be) their intention to give to the emperor of Russia every possible aid in the prosecution of the war, when once begun. I understand them to have abstained from any advice or interference tending to urge the emperor of Russia to embark in a war, which, had it been carried on with ordinary means, or in an ordinary spirit—had it not been national—had it not been a war of the people as well as of the government,—must ere now have led to his ruin. I give them credit at the same time for having hailed with admiration and delight, the first symptoms of such a determined spirit on the part both of the government and of the people of Russia, as has been exhibited in this unexampled campaign; and for having endeavoured to aid a contest begun (without their advice) by Russia, for Russian objects, and conducted by Russian councils, with purely Russian energy and zeal, as warmly, as if it had been commenced at their instigation.

But here, Sir, a question arises, respecting which some future explanation seems to me indispensable. How has it happened, that having made a treaty of peace with Sweden, upon which we are called upon to congratulate the Prince Regent; and having for the last six months heard notes of preparation in every port of that kingdom, how happens it that the power of Sweden has not been brought to bear in aid of the Russian cause, at a moment when, if ever, the interposition of a third power might have been decisive of the contest? To this question I do not desire an immediate reply; but I cannot vote for an Address containing a congratulation on the conclusion of a treaty with Sweden, and at the same time observe Buonaparté retreating, and in a situation which an effective attack on his rear might render doubly perilous, without asking, what impediment prevented the co-operation of Sweden, and whether that impediment was indeed such as it was not in human foresight to anticipate, or in human wisdom to remove? The treaty with Sweden is not before the House; I can therefore argue upon it only from the general information, which every one possesses. But, it ought not to be forgotten, that in concluding this treaty, the court of St. James's and that of Stockholm, did not stand on an exact footing of equality. We had a boon to grant, for which we had a right to require an equivalent. At all times, the acknowledgment of a new dynasty (to say nothing of an usurpation) is counted as a concession for which, if necessary or desirable, a compensation may be demanded. In the treaty with Sweden, we began with the acknowledgment of a new dynasty, and incidentally of the Frenchman who is now the crown prince, and eventually heir to the throne. That an equivalent for this acknowledgment should have been required merely for the sake of maintaining the principle and the right, I am not so pedantic or so scrupulous as to pretend: but with Russia in the situation in which she was, I think our right ought not to have been improvidently waved, if we could have stipulated any thing for her benefit. That such a stipulation must have been in our contemplation when we made peace with Sweden, there can be no doubt: it remains to be explained, how that stipulation has been missed, or has been rendered inefficient.

In considering the war in Russia, as arising out of the war in the peninsula, (the view of it taken by the noble lord), a new question arises. Hitherto we have carried on the war in the peninsula, with no relation to any other nations than those which inhabited the peninsula itself. But our efforts in the peninsula are no longer to be considered as devoted exclusively to the interests of Portugal and Spain; it is not for their sakes, or for our own and theirs, alone, that we were under an obligation to prosecute vigorously a contest, on the faith of the vigorous prosecution of which Russia involved herself in hostilities with France. I have already said, that judging what must probably have been the language held by our government to Russia, I entirely and unequivocally approve it. I believe our government to have said to the court of St. Petersburgh, "if you engage in a war with France with a view to your own interests, we will help you as far as we may be able; but depend not on our direct and immediate aid. Our principal efforts must be made in the peninsula, and in making them there we shall do more towards your assistance than by any pecuniary or military support that we should be able to afford you." That, I take, Sir, to have been the language held to Russia; and it was wise language. Having held it, it behoved us to strain every nerve in the peninsula, to make good the expectations which we had raised.

While, therefore, I cordially join in every word of the Address which congratulates his Royal Highness on the splendid exploits of our army in the peninsula, and of their gallant and immortal leader, if I am called upon to declare that the result of those brilliant exploits, such as we now see it, has satisfied the hope and expectations of the country, I must beg leave expressly to guard myself against being supposed to concur in that interpretation of the Address. Do I, therefore, count the victory of Salamanca as nothing, even if its consequences terminated on the plains upon which it was fought? Certainly not. I, who held up the barren laurels, (as they were often described), of Talavera, to the admiration of the country, can hardly be suspected of a disposition to withhold my applause from the splendid achievement of Salamanca, even had no result proceeded from it but the acquisition of national glory. But, Sir, I am compelled to compare the hopes which the victory of Salamanca inspired, with the situation of our affairs in the peninsula presented to us at the opening of the present session. It is impossible for any man not in an official situation, actually to demonstrate that we could have made greater efforts in the peninsular war, or, if we had made greater efforts, that they would have been successful. On a former occasion—an occasion which occurred not in this House, but in the course of transactions which took place last year, and which became matter of publicity—I mean, Sir, during the negociations last year for the formation of a new administration, I studiously and explicitly declined giving a decided opinion myself, or concurring in an opinion given by others, (with whom in most points of public moment I did concur), that the scale of the war in the peninsula had not been as great as our means might enable us to make it. I had not then the materials for forming a confident, much less a criminatory judgment upon that point. I have not those materials now. It would require a detailed knowledge of the state of the military, and the pecuniary means of the country, which, out of office, and without any official information as yet laid before parliament, I do not pretend to possess. But this information must be laid before us. And in the mean time I cannot hesitate to allow, that the *primâ facie* case of such successes, terminating in such a retreat, does call for explanation. I cannot hesitate to say, that if there be in the power of ministers any means yet untried—any effort yet unattempted—any resources yet unexplored—any accumulation of force yet omitted—any increase of energy yet delayed—not only such additional exertion ought to be immediately made, but that it ought to have been made long ago. If a reinforcement can be sent out now, it is for ministers to prove that it could not have been sent out before. If any measure can now be adopted by which the disposable force of the country may be augmented, the burden is on ministers to prove that such a measure could not have been taken six months ago; when, instead of retrieving reverses, it might have ensured a continuance of success. If ministers have it in contemplation at present to call on the country to make any extraordinary effort, why was not that call made in July last? Why was not the last session of the last parliament prolonged for that purpose? I can, therefore, concur in the implied approbation of the conduct of the war in the peninsula, only on the understanding that it shall be hereafter shewn that government did not possess the means of making any additional effort, to bring the contest to a favourable termination. The higher we estimate lord Wellington's merit, and no man is disposed to estimate it more highly than myself, the more should we regret any misplaced economy, any shrinking from exertion that had a tendency to cripple his operations, and prevent him from attaining those important objects which his great mind had in contemplation. It is difficult, as I have already said, to prove to a demonstration that more might have been done. But if I were put to the question, I must say, that I believe that greater efforts might have been made, and I believe, that if those efforts had been made, they might have proved eminently, nay, perhaps conclusively successful.

To those, Sir, who habitually despond of the means and resources of the country; who think that she has taken her stand too high among the nations of the earth, and that she ought to return to her proper level, to shrink into her shell, I may expose myself to the imputation of insanity, when I talk of extending our military exertions. But I will ask those gentlemen, whether if the efforts which we have lately been making had been predicted ten years ago, the prophecy

would not have been received with absolute derision. But whether it be true or no that the resources of the country are, (as I believe the spirit of the country to be), adequate to an extension of our exertions in the peninsular war, must, I allow, be matter of discussion hereafter. This, at least, is certain, that the imagination of man could hardly devise a situation of affairs in Europe so favourable to a great effort as that which has recently occurred. Since the commencement of the present war, since the commencement of the revolutionary war, the power of France was never so thoroughly occupied. Never has she played so deep a game; never has her hazard been so mighty; never has her ruin been so near its accomplishment. While the strength of France was withering in the north, Oh! that we had had the means of pushing to a successful extent our efforts in the peninsula! With such a general, and such a cause, what might we not have justly expected!—a general of whom it is not too much to say, that whatever might have been the scope of action opened to him, he would have made it one continued scene of glory to himself and his country. Looking at what he has already done, with means comparatively so limited, is it extravagant to presume, that with an increase, even a small increase of force, he might have occupied Madrid, not merely as the extremity, but as the centre of his operations? Considering the present state of France, and the general discontent that must pervade that country, considering the situation of Buonaparté, struggling with unexpected and unprecedented reverses, war and famine wearing down his exhausted legions in the north, might not lord Wellington before this time, instead of retreating within the frontiers of Portugal, have been advancing to the boundaries of Spain, and hovering from the brow of the Pyrenean mountains over insurgent provinces of the French empire?

But however questionable it may appear to some gentlemen, whether such an extension of our military efforts was indeed within our power, clear at least, I apprehend it will be admitted to be, that our power alone ought to have been the limit of our exertions;—the principle at least will be admitted, that an economy in war which restricts and husbands our efforts, is the worst description of economy; and that a great exertion, tending to a sudden decision of the contest, at an opportunity peculiarly favourable, although it may be accompanied with twofold cost,—is best calculated to bring a contest to a speedy and honourable termination, and therefore most congenial to the interests as well as the character of the country. And however it may be doubted whether this doctrine could be practically applied to the contest in the peninsula, no man, I presume, will deny it to have been both within our power to apply, and peculiarly applicable to that third contest in which we are exclusively engaged—I mean the war with America.

I will not detain the House with expressing what every man in the country feels in common with myself—an anxious wish that two nations, bound to each other by so many ties of consanguinity and interest, should remain in a state of amity. But, Sir, with America as with any other country, when once the die was cast, when once war was manifestly inevitable, it became us to be prompt in our measures, and, by vigorous proceedings, to bring the contest to a speedy and succesful termination. The Address moved by the noble lord states, that we learn from his Royal Highness, that the declaration of war by America was issued at a time when circumstances led his Royal Highness to hope, that the disputes between the two countries might be amicably arranged. If, Sir, the Address had stated that as our opinion, I could not have assented to such a statement. In receiving the opinion from his Royal Highness, we must presume his Royal Highness to speak from sources of intelligence not open to us. From any observation which I had the means of making at the time, I must say plainly that, when the declaration of war reached this country from America, (I believe it reached us on the day on which the last parliament was prorogued) I did not entertain the slightest expectation, nor was there on the face of the document, the slightest justification of any expectation, that what had been done in this country would remove the causes which had induced America to go to war with us. For in that declaration, the demand for the rescinding of the Orders in Council, which had hitherto been insisted on by America, and still more by those who argued in favour of America on this side of the water, was studiously postponed to many other grievances. If America had ever

intended to close with us on the Orders in Council, she had evidently reviewed that intention, and had come to a deliberate determination to go to war with us unless we should likewise make every other concession that she demanded. It was evident, then, that the revocation of the Orders in Council alone could not restore peace; and therefore, Sir, until I obtain better information than that of which I am at present possessed, I must continue to think that, war having been declared by America, all that remained to this country was, to determine how the war could best be carried on. The best way to carry on any war is the way that will lead soonest to peace; it is by vigour, not by forbearance and hesitation; it is by exertions calculated to make an enemy feel and dread our power; that such an enemy as America, an enemy making a war of experiment, of experiment on her own force, and on your patience, would be soonest, and most effectually brought to reason. Sir, I would go to the extreme verge of concession to preserve peace; but when the preservation of peace becomes hopeless, I would not dilute my measures of hostility, I would not by a series of maukish palliatives, convert war, which is naturally an acute distemper, into a chronical one; and incorporate it with the habitual system of the country.

This war with America, which a prompt exertion might presently have subdued and swept away, has been nursed up by this petty policy, until it is probably fastened upon us for a considerable period. I will ask any man, whether, if two years ago, in the contemplation of a war with the United States of America, it had been prophesied to him, that after six months of hostilities, the only maritime trophies gained in the contest would be on the side of the United States, and our only consolation that we had not been conquered by land, he would not have treated such a prediction as an insult to the might, the grandeur, and the character of this country? It is true, Sir, we have not been conquered by land. I am sure, I am disposed to pay my tribute of admiration to our gallant troops in Canada, and my tribute of regret to their heroic leader, with as much sincerity of feeling as any man; for individual heroism, and self-devotion, under any circumstances, are glorious; but really, Sir, what has happened in Canada is not a matter of great triumph. I really never did suppose that we should be conquered. It never entered into my mind that we should be compelled to seek for such a consolation. It never entered into my mind that the mighty naval power of England would be allowed to sleep while our commerce was swept from the surface of the Atlantic; and that at the end of six months war it would be proclaimed in a speech from the throne, that the time was now at length come, when the long-withheld thunder of Britain must be launched against an implacable foe, and the fulness of her power at length drawn forth. It never entered into my mind that we should send a fleet to take rest and shelter in our own ports in North America, and that we should then attack the American ports with a flag of truce.

When his Royal Highness tells us that, at the period of the American declaration of war, there were circumstances which led him to believe that peace might be restored, it must be that those circumstances were of a nature of which we and the public are wholly ignorant, but which in due time may, perhaps, be disclosed, and may then bear out such a belief. But certainly, on the face of the American declaration, any man must observe a studied mind to prevent pacification, or at least to defer it; and as to Canada, the desire entertained by the American government to possess that province, is not much frowned upon even by those Americans who are the best disposed towards this country. As an additional proof of the true tone and character of the American declaration, let it not be forgotten, that immediately after the promulgation of it an ambassador to France was appointed, who traced the steps of the Gallic conqueror, through the realms which he had devastated. A republican ambassador, bearing the homage of a free state to the conqueror (as he was taken for granted to be) of independent Russia, and authorised to sign, amidst the smoking ruins of Moscow, a treaty of hostility against the liberators of Spain! With such an exhibition of republican virtue and republican love of liberty before my eyes, faint, I confess, were the hopes which I could cherish, of a disposition on the part of America to conciliate Great Britain. Much has been said indeed, and too much cannot be said, or felt, of the natural affection that ought to subsist between the two countries; of the force of kindred

blood, of common interests, of common language. But, Sir, we are told by natural historians, that affection descends; that parents love their children more than children love their parents; and I would ask of those who, in this country, speak of America with parental affection, whether they do not begin to apprehend that they may have counted a little too much on a reciprocity of feeling on the part of their transatlantic offspring.

Before, however, I quit that part of the Address which relates to Canada, let me again guard myself against the possibility of being supposed to undervalue the heroism there displayed, or not to set its due value upon that exemplary loyalty in his Majesty's Canadian subjects which is stated in the Speech from the throne to have remained proof against all temptation. Most cordially do I concur in that sentiment of approbation, and, adverting to a vote which I had the honour of proposing to the House last year, in favour of his Majesty's Roman Catholic subjects, let me remind the House that these provinces of Canada, so assailed, and so attempted to be seduced, and so inaccessible to seduction, constitute the single specimen in the British empire, in which the Catholic is allowed to sit side by side with the Protestant in the legislature, as well as to fight side by side with him in the field!!

But to return to the war. For this system of forbearance—of mitigated and half afraid hostility, we are told there is a twofold reason. We are told that we have friends in America whom we should endeavour to conciliate by mildness, and that we should be careful to put ourselves completely in the right. No man can subscribe more readily than I do to the latter proposition. So much so, indeed, that I confess, I should contemplate the most splendid victory that ever decorated the historic page with little admiration, if it were gained in a cause essentially unjust. It may also be wise to do whatever may depend upon us, to forward the political views, and political preponderance of the party in the United States;—I will not call it the English party, for that would be unjust;—but that party of good Americans, who loving their country, and consulting for her good, maintain the opinion that an alliance with England is preferable to an alliance with France. But, Sir, are we sure that by this system of restricted and inoffensive hostility we are really playing the game of the party friendly to us? I doubt it. Here is a country divided into parties, one of which, to deter their countrymen from war, predicts the evils that must follow hostility with England: I cannot conceive a mode better calculated to diminish the influence of that party, instead of upholding it, than that of rendering their prophecies contemptible, and enabling those opposed to them in politics to appeal to experience against their forebodings. But is this an ideal picture? By no means. I found the other day the report of a speech made by one of the party in America, whom we are told we ought to conciliate by forbearance. This gentleman (gen. German) endeavoured to divert the senate of the United States from its warlike resolutions, by an anticipation of the evils which Great Britain could inflict upon America the moment that war was declared. He observed, "that the first consequence of the maritime superiority of Great Britain, would be the loss of New Orleans, from which the English could not be dislodged without a great sacrifice of blood and treasure; that they might then pass northward along the American coast to Charleston and Norfolk;" and he asked "if they thought it possible to defend those places, or that they would not be in the possession of the English in six days?" He assured the senate, "that if they calculated on the forbearance of the English, they would be deceived;" and to ridicule the notion, that, after the decisive step of declaring war had been taken, any thing would postpone for a day the vengeance of Great Britain; "You are not to imagine," says he, "that England will complaisantly wait till you are prepared to repel her attacks. She is not so simple in her enmity."—Alas! Sir, gen. German gave us credit for a promptitude which we did not possess; for a quicker sense of insult and injury than belongs to us—we have shewn ourselves more simple than the orator supposed us. We have waited till America is prepared. The decisive step of war was taken, and our vengeance yet sleeps. Nothing has happened in consequence of the American declaration of war, except that America has captured our ships and attacked our provinces. But as for the prophet of our resentment, his influence is lost for ever. This injurious mode of backing our friends by falsifying their arguments has probably silenced the advo-

cates for peace with England, and left us without a prediction in our favour on one side of congress, or an apprehension of our vengeance on the other.—Tremendous must have been, even among the stoutest-hearted of the advocates for war, the notion of the mischiefs which we could inflict upon the coasts and navy of the United States. How they must now laugh at their own apprehensions! Tremblingly as they approached to the first acts of war, what have we not done to re-assure their nerves, and to take away from them every reason to wish for the discontinuance of hostilities?

If, however, any man can show me, that six months spent in impotent hostility, and that to negociate with an enemy's fleet instead of capturing it, are the modes of making a cause just, I submit. But, Sir, if it be so very desirable to put ourselves in the right, surely there was a shorter way. The declaration of war on the part of America was received about the end of July. It imputed to us, beside the Orders in Council (which have been sufficiently discussed here to render any further observations upon them necessary), other substantive grounds of quarrel. This document, in the face of the world and of posterity, remains unanswered!—Is it not the custom of European diplomacy, when a declaration of war imputes to one nation provocations to hostility, for the nation so accused to answer that declaration? If, then, it was so desirable to be in the right, why were not means resorted to by the executive government to rebut the attack? Why is there not on the table of this House, and why was there not dispersed through Europe a distinct and satisfactory refutation of the charges preferred by the American government?—If it is answered that the hopes of pacification were not abandoned by us, I reply, that such a refutation was rendered even more desirable by the supposed probability of an immediate restoration of peace. For had peace been concluded, then it would have been too late: the accusation would have been recorded, and no public answer to it would have been in existence.

One of the imputations, for instance, contained in the declaration is, that we had demanded of America that she should force our produce and manufactures upon France. Such a demand would have been most unreasonable and unjust. I have no doubt that it was never made. But it was highly important that such an accusation should be refuted. Another imputed cause of war is, that in 1809, when we were engaged in an amicable negociation with America, an emissary was sent by our government into the territory of the United States to dismember the union, and to stir up I know not what disturbances. That, Sir, is a charge which ought for our own character, to have been directly contradicted by our government in the face of Europe. I speak the more anxiously and earnestly on this point, because it is one upon which I might be supposed to have something to answer for individually, inasmuch as I had the honour unworthily to hold the seals of the Foreign Office in 1809, at the time when this transaction, if it took place at all, must have originated. For myself, I solemnly declare in the face of the whole world, that if such a mission was dispatched, I had no knowledge of it; I was no party to it; I never heard of it, until I saw it imputed to the British government in the American declaration. The indignation which I feel on my own account at this accusation, I likewise feel for my sovereign and for my country.—I hope and trust that every member of the administration of the time, can disclaim all knowledge of any such transaction as confidently as I do. But, Sir, such a disclaimer ought to have been made without loss of time. It is not indifferent to the cause and character of this country that it should have lain six months under such an imputation. It may not be inoperative as to the prolongation of the war: for the American people may be better satisfied with a war which they think has its grounds in justice: and unrefuted calumnies must pass with them for substantiated charges.

In both views, both for war and for peace, I could have wished that the experiment had been tried of a system the very reverse of that which we have adopted; that we had been prompt in refuting the accusations of the enemy, and in retaliating his aggression; instead of leaving him by our silence and our inactivity at once satisfied of the justice of his attack upon us, and fearless of its consequences.

Sir, with respect to the internal situation of the country, I have no occasion to trouble you with any remark. I have nothing to qualify in my assent to that part of the Address. There is only one point, a point

not stated, but omitted in the speech, upon which I think it necessary to say a few words. I allude to the Catholic question. Sir, I impute no blame for the omission of this subject in the speech, because I do not conceive that the operation of the Resolution which I had the honour to propose last year, and which this House adopted, was to impose on the executive government the duty of originating the consideration of the Catholic question. I originally had in contemplation a motion which would have imposed on the executive government such a duty; but as objections were made by gentlemen whose support I wished to secure to transferring the care and guardianship of this important question from parliament to the executive government, I contented myself with moving a resolution declaratory of the determination of the House of Commons. This resolution being laid at the foot of the throne, did not, as I think, impose on the executive government the duty of originating the question; it did impose on them the duty of making up their minds to meet the discussion to which this House thus pledged itself. When that discussion shall come, I shall be satisfied if I find that government have made up their minds to meet it in a manly manner. Those who remember the occurrences of the debate which took place upon that motion of mine which pledged the House to consider the subject this session, will recollect that at the suggestion of the right hon. gentleman opposite (Mr. Ponsonby), seconded by the recommendation of the hon. gentleman near him (Mr. Whitbread), I most willingly consented to surrender the further conduct of the discussion upon the Catholic question into the hands of that venerable individual (Mr. Grattan), who has so frequently brought it forward in this House, and whose experience and ability and eloquence are so well calculated to do it full justice. I was myself perfectly prepared to follow up my motion by bringing the whole subject this session in a specific and practical shape before parliament. But, considering the prior claims of that right hon. gentleman, I did not think it right to resist the appeal made to me in his behalf, for the restitution into his hands, of a question so peculiarly his own. Into his hands I cheerfully resigned it. In his hands I most heartily wish it success. So far as the general principle of his measure goes, he may be assured of my humble, but zealous and hearty support and co-operation. Unacquainted as I am with the nature of the plan which he may have in contemplation, I of course must not be considered as pledged to its details. I must reserve to myself the right of acting upon them to the best of my own judgment and discretion; but I shall be deeply disappointed indeed if they should be such as to create any material difference of opinion.

Sir, with the qualifications which I have stated, I cordially concur in the Address so far as it goes to pledge with heart and soul all the means and resources of the country to the prosecution of the several contests in which we are engaged. In my conscience I believe that there are no present means of terminating them with safety and with honour. I am persuaded, (in the spirit of the observations made by the seconder of the Address,) that the greater the vigour with which we carry on the war, the nearer shall we be to the attainment of peace. It is not by hesitation and indecision that we can hope to attain that object, but by manly and indefatigable perseverance; by strenuous and unrelaxed exertion.

The Speaker again put the question, and no member on the opposition bench shewing a disposition to rise,

Lord *Castlereagh* said, that as the only task apparently to be imposed on ministers this night, was rather to give explanation on points which might call for further investigation hereafter, than to meet opposition on any of the political features of the government, or of the subjects contained in the Prince Regent's Speech, he should not find it necessary to enter very minutely into the consideration of the various matters which had been touched upon. Considering what had fallen from the right hon. gentleman who spoke last to be calling for explanation, rather than as differing in opinion from those who had preceded him, he (lord C.) had waited in the expectation, that if any hon. gentleman on the opposite side had further information to require, that they would state what such information was, and thus enable him at the same time to reply to them, and endeavour to satisfy the right hon. gentleman. It was no small gratification to the country, and to the Prince Regent's ministers, at this momentous and difficult crisis of the world, to find, on the opening of a new parlia-

ment, that the only claim upon them was for an explanation of the general principles of policy by which their future actions were to be regulated, and that there appeared no ground for censure, no cause for complaint, and no source for apprehension or discouragement. It was indeed evident that the prospects of the country were improved, for if this had not been broadly founded in fact, he would this night have had made upon him, demands of a very different nature from those which had been made. The right hon. gentleman had with perfect propriety divided the consideration of the subject before the House into two parts, connected with the external and internal situation of the country, and had applied himself generally to the former. This in itself was another source of gratification to him, and must, he was sure, be equally satisfactory to the House, when they considered the state in which they were placed about the period of the end of the last session of parliament. When they reflected on the condition of some of the counties at that time, they would be inclined to think that his Majesty's ministers had a very difficult task to perform, and would agree in what had been so ably stated by the noble mover and honourable seconder of the Address, that there was great cause for congratulation in the termination of those difficulties, by the means which parliament had provided—means devised in the spirit of conciliation, although calculated to repress the system of insubordination that then unhappily existed. In the administration of those laws with which they were armed, it was pleasing to him and to his colleagues to observe, that there was no insinuation of an abuse of power; and it was equally gratifying to him to have to state, that the people themselves by their own good sense and allegiance had retraced their mistaken steps, and that their regeneration had grown more out of their own disposition than out of the efficacy or enforcement of the legislative provisions which had been resorted to. In looking to the larger branch of the question to which the right honourable gentleman had directed his attention—larger as it affected the security and destinies of the world, he must trespass at somewhat greater length upon the patience of the House, in order not to discuss fully the several important propositions started, but to record what might be the grounds on which ministers would meet these various enquiries, and, if necessary, defend themselves from attack, should they be made matter of accusation. His task in this would have been infinitely narrower if the right hon. gentleman had not built much of the reason for his reserve in cordially agreeing with the Address that had just been moved, on assumptions entirely inapplicable to ministers, and without foundation in point of fact. This the right hon. gentleman had done in the absence of that information which it was impossible for any person not in the administration of the government to possess, but which he would, in so far as was consistent with his public duty, and what he owed to his own and to other countries, endeavour to produce. In looking to our external relations, the right hon. gentleman had first brought before them the most important state of affairs in the north of Europe; he had, secondly, directed their regards to the war on the peninsula, in which we were interested in common with other powers; and, in the third and last place, had alluded to that contest in which we were engaged alone, and which might therefore be considered as more peculiarly within our own province, namely, the war with America—a war which he would ever continue to think most unfortunate and afflicting, however unavoidable and necessary. In endeavouring to follow the right hon. gentleman over these grounds, he would beg leave to vary a little the order in which he had considered the several topics. He would take the war on the peninsula in the first instance, and this he might the more naturally do, because the right hon. gentleman had spoken of it as the point on which they ought, by the ordinary course of policy, to make their effort as a diversion in favour of Russia, since it could not be expected of this country, that it was able at one and the same time, to make a proper exertion in that quarter, and nerve the arm of Russia in the north, by furnishing her with men or money. He begged to assure the right hon. gentleman and the House, that ministers would not be inclined to rebut any censure that might be applied to them, on the ground of relaxation in their efforts to carry on most vigorously the war in Spain; there had been no relaxation on their parts; neither had they neglected any means by which it was possible for them, by previous provisions, to obtain possession of a greater disposeable force. They would not therefore

found their justification on any grounds of postponement, or inclination to delay executing that which was in their power. He also rejected in their name the defence that might be set up for not calling earlier on parliament to furnish them with more extended means. The ministers of the Prince Regent were prepared to defend themselves on the exercise of the means they actually did possess, or could possess, and their having employed the resources entrusted to them to the utmost, without draining the country beyond that pitch which no nation could sustain or support. Whatever might be the right hon. gentleman's opinion on this head, ministers certainly could not have been expected to make these unnatural attempts (now suggested as necessary and defended as politic) by gentlemen on the other side; by those who had ever inculcated upon their minds the necessity there was for husbanding our resources, and, even on the peninsula, keeping our exertions within bounds of the strictest moderation. It was not his intention to throw out any invidious reflection on those who had maintained these opinions, and all he wished to do at this time was, to lay in his claim to the grounds on which he should be prepared hereafter to combat any attachment of blame to his Royal Highness's advisers on this subject. Indeed, it was obviously impossible for ministers to enter on an ample elucidation of the measures respecting which doubts might be thrown out, on a night like the present, when all the numerous points of policy connected with the country were thrown open for partial discussion, and their attention was not confined to a single object, though many of those alluded to were sufficiently intricate and important to require of themselves the utmost diligence and powers of enquiry possessed by parliament. He begged leave to caution the House against being, as it was apt to be, led to expect too much from successes, or to despair at reverses, even though they might be such as placed the allied forces in the lines at Torres Vedras. It was neither one disaster, or one victory, that could decide the fate of the peninsula; and it was a dangerous feeling to indulge, which would be elevated beyond correct views even by such a victory as would shortly call for the thanks of the House; or to be depressed beyond occasion, by every failure of complete success that might attend our exertions. When by the most consummate generalship, that victory, unparalleled in the history of the war, and as glorious as ever adorned the British name; when that victory made the enemy feel its effects to the utmost extremities of his force, and dislocated his armies; because our illustrious and excellent commander had accomplished this, had they any reason whatever to suppose that the entire French power on the peninsula would be at once extinguished, and the allies enabled to march to the Pyrennees? The public mind was apt to run into a course too sanguine, and to believe any statement which might pretend that the effect of a defeat like this would be the total extinction of the enemy in Spain. But when the House reflected that at the commencement of the campaign, the French force on the peninsula amounted to 200,000 men, which was perhaps reduced by detachments sent to the north to 150,000, at the period of the battle of Salamanca, they would be inclined to take a different and more correct view of the subject. They would observe that such a force, when spread over the face of Spain, might maintain the possession of the country, by keeping down the spirit of its population, which they were now unable to do when collected into two great masses. After the memorable battle of Salamanca, they were rendered too feeble to keep possession of Spain, and instead of driving the British into the sea, as they had often vainly threatened, they were driven by the British. But when they gave up the provinces and became a concentrated army, any man looking with a soldier's eye, might be able to see, that even after the battle of Salamanca, the marquis of Wellington had a heavy task to perform to drive the French from Spain. They might worship the spirit of the people of this country, whose exultation on the triumphs of their gallant countrymen in Spain was so great as to induce a sanguine feeling, not warranted by the actual state of the case. But whatever expectations the people built upon, as far as lord Wellington with his knowledge and information went, his prospects had been largely and liberally accomplished. He could assure them, that lord Wellington had received supplies and reinforcements to a greater extent than ever. In the course of last year, 20,000 men had been sent to join him, and he (Lord C.) should be able to contend, that though

large reinforcements had not arrived since the battle of Salamanca, this arose from the impossibility of sending men sooner than had been done. The exertions of the government, and in a peculiar manner, of his royal highness the Commander in Chief, to bring regiments to such a state of efficiency as to render them fit for foreign service, had been incessant and strenuous. And he had to apprize the right hon. gentleman, that on the wisest principles the grants from the militia had not been available as a regular force, earlier than the month of May, and that neither the internal state of the country, nor of Ireland, would, at a former period, admit of those forces being spared which might now be united to their gallant comrades in the glorious task of delivering the peninsula. He again repeated, that the greatest possible efforts had been made for an active campaign; and he trusted what he had said on this point would be received as a fair and candid solution of the doubts thrown out by the right hon. gentleman. Thus far he had rather opened the matters at issue between the right hon. gentleman and himself. He perfectly agreed with him, that the aid to Russia ought to be given in Spain; and he was also ready to admit, that as the north opened prospects of greater success, insomuch ought they to make more strenuous efforts on the peninsula. With respect to the war in the north, the right hon. gentleman had laid what was necessary for him to advert to, into a narrower compass, as he had not made any charge in so far as Russia was concerned. He and all the world must feel, and none felt it more than the illustrious person at the head of that vast empire, who was so likely to ameliorate the destinies of the world, that it was not to be expected from this country to make larger sacrifices, or in other quarters, than those in which she was engaged. That great monarch did not call on us for pecuniary support. He said, "you are fighting my cause and the cause of the world in Spain, and there it is that your efforts will be most available and efficacious." His imperial majesty felt this to be the common policy in the common cause, and instead of looking to us for aid in the north, he had looked to a far surer and nobler source—he had looked to the patriotism, the liberality, the unbounded liberality, the spirit, and the loyalty of his people, to uphold him in the great struggle for independence, in which he is engaged, and to us he had looked for the effectual carrying on of the contest in Spain. Of Sweden, to which the right hon. gentleman had alluded, it was more difficult to speak. Without divulging any of those secrets which belong to the cabinet of this or of other countries, he might however state that Sweden as well as Russia had received injury from France, and both had felt it. Russia had taken the field to resist the aggressions of her adversary, and therefore there could be no impropriety in speaking openly of her measures; but as Sweden had not yet taken a step so decided, he hoped the House would be of opinion that he had a duty to perform, which rendered it very difficult for him to make any very open or explicit statement on this point. Yet without exceeding discretion, he might say, that if the exertions of Sweden, necessarily smaller than those of Russia, had required the pecuniary aid of this country, to cause a diversion in the rear of the French armies, ministers would have been ready to have assisted her operations to that extent. He declined entering further into this matter at present. France had committed an unqualified aggression on the Swedish monarchy, which had as yet been only met by a somewhat qualified resistance. What were the motives for collecting the force upon her coasts, it would not be expected for him to explain; but it would be seen with a feeling of hope and exultation, that between these great northern powers, for they were both great, out of their late contention, which had led to the dismemberment of the province of Finland from Sweden:—out of that contention a system had arisen, which happily had not prevented their being linked together in the bonds of the closest friendship and alliance. This fact appeared to be obvious from the very commencement of the campaign, when it was easy to perceive that a perfect understanding existed between the countries. It was evident that Russia reposed confidence in Sweden from the withdrawal of the mass of her troops from their cantonments in Finland. But those who were not satisfied with this demonstration of friendship, must have every apprehension relieved by the event of the personal interview at Abo, after which 18,000 men from the port of Swinburgh were dispatched to Riga, where they arrived in time to join general Wittgenstein at the critical period which enabled him to turn

the scale of the war in that quarter, and defeat the object of the enemy's right wing. He might also be permitted to say, that if there had not been any actual military exertion on the part of Sweden, yet that much benefit had been reaped from the posture which she assumed. He called upon parliament to take sober views of these questions. However much we might wish other powers to enter into resistance against the enemy with as great energy as ourselves, when we considered, that not possessing the advantages of our insular situation, they were not so safe and remote from danger as we were, we ought to look with forbearance to their measures, and not run them down, or impute want of virtuous feeling to them, because they might not embark in hostilities with the avidity we desired. The position assumed by Sweden had the effect of detaining two corps of the French army from active operations, and which were left in the confines of Denmark. These corps amounted to 60,000 men. The most advanced, that of Victor, the enemy had not ventured to use till after the battle of Borodino; and in fact it had not advanced till September, when it proceeded by detachments to join the main army. The other corps, that of Augereau, was still more retired in Germany, and completely withdrawn from hostile operations. Having observed this much, he was satisfied he had said enough, without disclosing the councils of the state, to shew that Russia had a well-founded confidence in the amity of Sweden, and that the demonstration made by the latter power, had paralysed 60,000 of the enemy's force. On these grounds ministers would be prepared to meet any future discussion that might be thought necessary. With respect to the third subject on which the right hon. gentleman had animadverted, America; on this branch, he had an additional task of explanation imposed upon him, from the right hon. gentleman's assuming too much in point of fact, which he was compelled to deny. He agreed with him that in negociation too much forbearance had been shewn towards America: and had this not been so, he could not believe ministers would stand so well with the House and the country as they would do if they had not shewn (whatever America did), that they were most unwilling to depart from old principles and feelings. But he denied that the war, after it had been commenced, was carried on with greater forbearance than was indispensably adopted from a consideration of the other contests in which the nation was unhappily engaged. They would justly have drawn down the vengeance of many, and of no one more than of the right hon. gentleman, had they withdrawn a force from the peninsula for the purpose of originating belligerent measures against America. He maintained and would at any time be prepared to shew that they had done all they could. The right hon. gentleman expressed himself at a loss to conceive how ministers could expect any thing pacific from America, after the promulgation of her Declaration to which he referred. He was ready to consider that document in the same point of view with the right hon. gentleman, as containing in it demands which, if insisted on by America, would preclude for ever any prospect of peace. But the Speech, in its allusion to this topic, referred to the state of America at the period when this declaration was issued. Ministers had never assured the House, nor the country, whatever had been done by others, that the concessions required to be made to America would lead to peace; on the contrary, when the repeal of the Orders in Council was discussed, they said, in answer to those who contended that if these were surrendered peace would be the consequence, that the claims relative to blockade and impressment would disappoint their expectations. It was not till after the war broke out that the American government alleged other grounds of war than the Orders in Council, and the system of blockade. The matter of impressment was previously only urged as an angry point of discussion. With respect to the course taken by ministers when they acquired a knowledge of the actual commencement of the war, they had done that which was tantamount to complete hostility, and it was not from forbearance, but from considerations of other circumstances of the country, that they had refrained from the immediate issue of letters of marque and reprisal, and from publishing to the world their case against the United States. But although letters of marque and reprisal were not issued, war was as effectually waged in another mode; and this was done from a desire to keep the councils of the government ready to meet any disposition that might arise on the part of America towards peace. Had they not acted in this manner, they would

have justly had to experience the censure of gentlemen opposite, if America had, on the receipt of the intelligence from this country, withdrawn her declaration, and restored the British property that had been seized, and they had been unable to meet this pacific disposition with correspondent restitution, without coming to parliament to vote that sum which had found its way into the coffers of the captors of American ships. With respect to time, the moment the declaration of war was ascertained, and that the Americans had proceeded to the condemnation of the British property seized and refused to ratify the armistice concluded between them and the governor of Upper Canada, with admiral Sawyer, that moment the letters of marque and reprisal were issued. The right hon. gentleman had truly said it was an extraordinary thing that no answer had been published to that Declaration which could be so readily refuted, and that the *onus* was thrown on the government, to shew that grave and weighty reasons existed for not taking that official step. But neither the House nor the right hon. gentleman were to learn, that though we were actually at war with America, yet negociations had not absolutely terminated. A mission had been entrusted to admiral Warren, and a proposition submitted by him to the American government, to which no answer had been received up to this day. This proposition was intended to have been made through Mr. Foster; but as he had left the country before the dispatch arrived, the business had of necessity devolved upon the admiral on the station. Under these circumstances, waiting for the reply of the American government (though he did not mean by this to lead the House to any sanguine expectation as to the result), he was sure the House would feel that ministers would have more consulted their feelings than their judgments, had they hastily put forth the answer they felt themselves so competent to give to the assertions and claims of America. He hoped, therefore, that on this subject also he had laid sufficient general grounds for meeting any inculpatory observations to which it might give rise hereafter. The right hon. gentleman had touched on one or two other points which required little notice. It was true, as he stated, that the British government had never endeavoured to force through neutrals their manufactures into France. With regard to the mission of Henry, he did not think it necessary that ministers should publish any disavowal of it now. They had disavowed it in their places in parliament, as the right hon. gentleman had done to-night, and like him declared they never knew of it until published by the American government. That the hon. gentleman opposite (Mr. Whitbread) had not pursued his charge upon it with greater eagerness, was a pretty strong proof that no blame could be thrown on ministers on that account; and besides all this, he had to assure the right hon. gentleman, that government had disavowed it to the American cabinet, to satisfy whom they had sent over all the papers with which they were acquainted on the subject. He was not aware that he had occasion to trouble the House at any further length, though he would be happy to give every information in his power. It was with extreme pleasure he found, that instead of the usual opposition on such opportunities as the present, the object of all seemed rather to be to join in gratulations on the prosperous state of affairs, and the general improving aspect of Europe. (Here some disapprobation was evinced on the Opposition bench). He challenged the House to say when a Speech was delivered on the opening of parliament, which contained so bright a catalogue of success, or displayed a more marked prospect of amendment or advantage to the country. (Hear!) If they could not say that the enemy was altogether discomfited, and finally and effectually repressed, yet they never before could say that they saw him so dangerously involved in two great wars in the opposite extremities of Europe. These were wars in which he was not merely committed against the governments of countries, but in which the nations were arrayed against him. They were not, as heretofore, wars productive of means to recruit his resources, augment his forces, and from his conquests reap the sinews of extended conquests. Though he could drag his tributary states into the field, and amass a powerful force from those whom he had already overcome, yet in the great scale on which he was engaged, he met with no aids to enable him to carry on the war vigorously; he only met with national resistance, and was obliged to bring his supplies with him, and exhaust his resources from the people over whom he exercises his rigorous sway, for he could not find them in the country he invaded.

In Russia the spirit of desperate opposition to his aggressions was, as noticed in the Speech, unparalleled in history. The people of that country had been spoken of as barbarians, and as being a century behind other nations in civilization, but could they find in any country a resistance to invasion equal to that glorious spirit which was now displayed, firing every rank and description of men in the vast Russian empire? Nor was it for courage alone that the Russians had shone conspicuous during this contest; that heroic valour, for which they were famed on former occasions, was not now their only praise. The military councils and skill of the commanders also shone pre-eminently; and the whole conduct of the campaign proved them to be equal to the most difficult situations and trying emergencies. The retreat of the numerous great bodies of troops from the Niemen to Moskwa, and the able and judicious manner in which it was conducted under pressing circumstances, was scarcely to be equalled in the history of the most celebrated transactions of that kind. The retreat of Moreau, on which his highest fame rested, no military man would say could come into competition with this in Russia. When so many armies had marched over 500 miles of country before they united into one mass, invariably baffling the immense force of their enemy, fighting various battles, and never putting it in the power of that enemy to say that he had dispersed a single regiment, or captured a single gun or baggage waggon; so excellently executed a movement was not surpassed in the history of the world; and had evinced, on the part of the Russian commanders, the utmost skill and ability, which, with the known valour of their troops, added fresh hopes to those already entertained of the deliverance of Europe. The interests of this people were now identified with our own in the most gratifying manner, by their fleets approaching our harbours; an action on the part of our ally which was calculated to make the French feel that even the loss of another capital would not involve the loss of their fleet, or be considered any more than the former as involving the loss of the country. In this the emperor Alexander had shewn a glorious example of what a monarch ought to be, and of the true policy of a monarch, which, had it been acted upon by others, Europe would not have been in its present state. He had not placed his strength in a capital city, but trusted to the spirit of his country for the pledge to stand by him, and repel the invaders, and in this he had not been disappointed. His lordship concluded by saying, "Thus in every quarter our prospects are most bright and happy. I have endeavoured to explain every thing that may appear doubtful, and congratulate the House and the nation, that from the state in which the country is on the opening of this new parliament, there is not a topic for condemnation, though there are so many for cheering us in our exertions, and encouraging us to hope that every thing will prosper to our wishes."

Mr. *Whitbread* said, if the right hon. gentleman who spoke last but one had alluded to him as the person who was understood to have prepared an Amendment, he was correct in that allusion; but as for the period of the evening at which either the right hon. gentleman or the noble lord opposite might expect him to deliver his sentiments, in this he was sorry to disappoint them, though he begged to say that he considered his time for speaking was entirely at his own selection. It was true he was the person who had prepared an Amendment; but before he expressed his own he wished to hear the sentiments of the right hon. gentleman as well as those of the noble lord who had just sat down. He was particularly desirous of hearing the right hon. gentleman's opinion of affairs at this time, for the right hon. gentleman in his answer to his constituents at Liverpool, said it was his own fault if he was not now minister. However, he did not rise to-night to dwell in contention with him, as he might have done at former periods, but to deliver his sentiments on what he conceived to be the present state of the country. In his opinion, there were great omissions in the Speech of the Prince Regent, or rather of his Royal Highness's advisers. The Speech had professed to give, as it ought to give, ample information to the House, on the existing situation of the country, on the events that had occurred since the sitting of the last parliament, and the subject of our foreign relations, but there was no information with respect to the dispute with America; and with respect to Spain, there was nothing which could in anywise enable them to form a judgment as to what was the cause of the late losses which the country had so much rea-

son to deplore. He found himself, therefore, bound to call for information on these subjects. If ever there was a time when enquiry and information were called for, it was the present, when topics of so great and vital importance came before them for discussion and decision. He would ask whether the House recollected the lamentable situation in which the executive government was placed? Were they not informed that the recovery of his Majesty was hopeless; and that the frequent paroxysms to which he was subject rendered his life so precarious, that the existence of the present parliament was likely to be of very short duration, unless the noble lord should think proper to propose, what he had heard was his intention, early in the present session, namely, an Act for the continuance of its sitting notwithstanding the demise of his Majesty? Whether so bold an experiment was to be tried he knew not; but if such an infraction of the constitution should ever be attempted, he would oppose it, if alive, to the utmost of his power. If, however, such a proposition was not intended to be made, the tenure of their existence was necessarily precarious, and it behoved them therefore to take the earliest opportunity of applying to the Prince Regent, for information on the state of affairs. He did not believe that even the noble lord wished to stifle all inquiry into the transactions of Spain, or the negociation with America: for even now the noble lord had said that a negociation was on foot with America. Why should not the House be made acquainted with the steps that had been taken with respect to that country. He trusted that this flimsy pretence would neither be offered or received as a ground for withholding that intelligence from parliament which he contended to be so indispensible to their taking a right view of the political interests of the country, externally and internally.—There was another topic on which the Speech had not touched, at which he for one could not help expressing his astonishment, the more especially when he called to mind the debates and resolutions which had taken place upon it in the last parliament. He alluded to what was commonly called the Catholic Question. He wished to know why the noble lord had not counselled the Prince Regent, who was known to have once entertained sentiments favourable to the Catholics, after the debates which had taken place in that House, and the small majorities which had been obtained, to take notice of the claims? Why he had not advised his Royal Highness to introduce into the Speech one small paragraph about Ireland, the omission of which could not but be a subject of mortification and indignation to the inhabitants of that country?—There were other circumstances intimately connected with our continental connections, which, in his opinion, ought to have formed a prominent part of the Speech, instead of being as they were, studiously avoided. One of these was the depreciated state of the currency of the country. If he was not grossly misinformed, such was the absolute want of specie, that the officers of that gallant army which had achieved those glorious victories of which we so deservedly boasted, were even unable to provide themselves with any of the comforts of life—at least, that no subaltern was enabled to provide himself with any other means of subsistence or additional comfort of life beyond the rations which he obtained from the commissariat.—From the same causes the debt of that gallant army was very great, and increasing from day to day, whereby its operations were crippled and frustrated. When the noble lord took a view of the manufactures of this country, was there nothing to make him pause before boasting of the present as the proudest period of the English annals? The right hon. gentleman (Mr. Canning) had mentioned our three wars. It was, unfortunately, but too true, that an acquisition of two of these wars had been made since the last session. In Russia we were accessaries after the fact. To that power we had not made subsidies as we had formerly done to other continental powers frequently with great profusion. Of the ability to act in that way we were now deprived. In the third war, which was with America, we stood in the character of principals and alone—a war the most disastrous and calamitous that ever was waged, and the existence of which cut up the sinews of the resources by which our other wars could be carried on. This was the proud, this was the unparalleled situation in which the country was placed, so much the subject of the noble lord's exultation. In his opinion, it afforded only grounds for apprehensions, and abundant reasons to dread the most serious calamities. But the noble lord looked at these things with a soldier's eye. He talked of the masterly retreat

of the Russians, which he thought superior to that of general Moreau. While the noble lord dwelt too with exultation on the achievements in Canada, he overlooked the capture of the Guerriere by the American frigate the Constitution. He took only the flattering points into his picture, but it became the House to take every feature into their view. It was their duty to look at the situation in which lord Wellington was now placed since his abandonment of the siege of Burgos. The noble lord had thought proper to suppose that my lord Wellington might even be obliged to retreat to the lines of Torres Vedras. Lord Wellington himself, in his dispatches, said that the enemy were in great force, that they had received considerable reinforcements; and that it was with the greatest mortification and regret, that he saw himself obliged to give up an object which, if obtained, he considered the success of the campaign certain. They were told, that when pursued by the French army he was pressed hardly; and when at Rueda, that he could not make a stand there. But then they were told that the prosperity of the country was improved, and that the nation was in a glorious and grand situation, Why? Because Buonaparté was on his retreat to his resources; —his force not annihilated, though certainly in great danger. This was what the House were to congratulate themselves on, and for which they were to go to the Prince Regent with an Address, on the prosperous state of the country! If this situation of affairs on the continent was good for any thing, it was this; that the emperor of France, having failed in his object, an opportunity was now offered, when it would not be inglorious, and when it would certainly be highly useful to propose to the enemy some arrangement for peace.—The noble lord had by no means satisfactorily answered the question put to him by the right hon. gentleman respecting Sweden. It was, indeed, surprising that this country should become so easily the dupe of every state with which it happened to be allied. Great expectations were entertained by the government of this country from Sweden; but he saw nothing in the connection but fresh sacrifices and fresh disappointments. The rear of the enemy was to be harrassed by the Swedish army, under that great French captain, as he was called, the Crown Prince of Sweden. Now the noble lord says—Aye, you see we were right in our expectations—Buonaparté was obliged to leave two grand corps behind him, for fear of the Swedes. But yet some how or other, it would seem that Buonaparté was soon relieved of all apprehensions from any diversion in his rear, and availed himself in proper time of these two corps, so said to be kept in check by the Swedes; for the fact was, that under Victor and Augereau they had actually united themselves with the grand army against Russia.—As to the state of Russia itself, and the result of the present campaign, he differed altogether from the noble lord with respect to the resources and population of the Russian empire, and with respect to the view which had been taken of that horrible fact, the conflagration of Moscow.* The noble lord had applied to Buonaparté the epithet of devastor of Moscow. Now, it appeared that Buonaparté was anxious, and did all that was in his power to be the preserver of Moscow, as he had preserved Vienna, Berlin, Rome, Madrid, Venice and Milan, into which he had entered as conqueror. This act, the burning of Moscow, which he could not sufficiently deplore, had been represented by the right hon. gentleman, and by the noble lord, as a proof of the spirit which animated the Russians, as a sacrifice they were willing to make to the safety of their country; nay, the noble lord had regretted that the example set by Russia, in the destruction of their capital, was not earlier made, and he chose to describe that event as an evidence of the temper of the Russian people, as if they had been perfectly willing to surrender their wives and children, their sick, wounded and dying, to the destructive flames which laid the city in ashes. But this was by no means the case. It was well known that Moscow was burnt by military command, and that the inhabitants had no will in its execution, and no power to prevent it. The people whose property and dearest connections fell a prey to the devouring flames were not consulted in the execution; they had no will in the matter; and now they had no refuge, no shelter to fly to; and whether the act were justifiable or not, it was certainly not voluntary on their part, but a penalty inflicted on them by their government. The right hon. gentleman wished he could know what were the real feelings of the Russian people with respect to that event, and had delivered a splendid passage and drawn a highly coloured picture

from the stores of his imagination on the instinctive love which every people possessed for their native soil. This he believed to be true, they might love their country; but to suppose that the people of Russia could love their government, or to talk to them of the laws and constitutions of their country, which they were called on to defend, was altogether ridiculous. It was said, that the population of the empire was every where rising spontaneously round the French armies for the purpose of exterminating them. But where, he would ask, was the evidence of this? That the Russian army was now, as it always had been, famous for its valour and discipline, and for its implicit obedience, could not possibly be doubted. They were well known to pay implicit obedience to all the commands of their superiors without hesitation, and would probably act now as they did formerly, when on the death of their monarch, they changed sides, and fought to-day on the side against which they had fought the day before. They were known to obey without reflection and without hesitation the commands of their superiors with the prospect of certain and immediate death before them; but to expect public spirit from such a people was carrying too far even the power of the most brilliant fancy. Yet it was in this situation of affairs that the noble lord thought proper to compare the retreat from the Niemen to Moscow, with the well-known retreat of Moreau. But in what respects could they possibly be compared together? General Moreau executed his retreat when he was far into the enemies' country, and when he was pursued by powerful and warlike hosts; while on the other hand the Russians retreated into their own country, in consequence of plans which it was said had been long digested by them. They were to stop at a certain point, where they had their magazines and entrenched camps. But was it ever in contemplation that they should retreat to Moscow, before fighting the enemy, and afterwards burn Moscow? It was preposterous, therefore, in the noble lord, to speak of this retreat as a great military operation. If, however, the efforts of Russia had been great, as great they certainly were, how stupendous must have been the power and the efforts of the emperor of France, who, without being necessitated to carry his arms into Russia, and having the war of Spain already on his hands, began that great undertaking, penetrated to Moscow, and would, in all probability, have accomplished his purpose, but for the awful act by which it was frustrated.—With respect to the state of affairs in the peninsula, it was generally known to the credit of lord Wellington, that he did not court the battle of Salamanca; but that the French commander being too secure of calling lord Wellington off, laid himself open to attack, which that great man, with his accustomed vigilance, immediately laid hold of. By following up his victory, he took possession of Madrid, and afterwards advanced to Burgos. He was willing to pay the highest deference to the opinion of lord Wellington, and to suppose that in acting as he did, he judged perfectly right; but the plan of his campaign, as he himself had acknowledged, had been utterly defeated from the want of means. But then the noble lord enlarged on the great good produced by having weakened the French, and prevented them from carrying on offensive operations, and contended, that even if lord Wellington should be again obliged to fall back on Torres Vedras the same glorious consequences would follow which had already taken place. But if he might be allowed to ask the question, what had the Spaniards been doing all the time? How were the Spaniards seconding the efforts of the great commander? It was true, as the noble lord had stated, that the French had left the south of Spain, and been obliged to evacuate Madrid, and that lord Wellington had been received there and every where with an enthusiasm approaching to idolatry. In his letter after entering Madrid, he said, he hoped the inhabitants of Madrid would in future do a little better than before. But after the last evacuation of Madrid, he said a very small French force took possession of the Retiro. He was appointed generalissimo of Spain; and the very first order which he issued in that character to general Ballasteros, one of the Spanish commanders, who had been more than usually successful in his operations against the enemy, was refused to be executed by him. It was true that, that general was cashiered, and that his army was given to other hands; but he very much doubted, whether the feeling which seemed to have actuated general Ballasteros was not too prevalent in Spain, to admit of any advantage being taken by lord Wellington as commander of the forces of that country. The noble lord said that Russia would be satisfied

with our utmost exertions in the peninsula, as likely to be more useful to her than any pecuniary or military aid we could afford her elsewhere. He could not think that these exertions had been such as either Russia or this country had a right to expect. Shortly after the glorious victory of Salamanca, lord Wellington was obliged, from want of means, to abandon his conquering career, and to retreat before the enemy he had previously beaten; he was forced to give up part of his late conquests; nor did the Spaniards avail themselves of the moment of respite the bravery of our troops had procured for them, to improve their means of defence against the common enemy. The cause of Spain, therefore, seemed not so hopeful as the noble lord had chosen to represent it. With regard to the efforts which had been made in the prosecution of this war, he had to observe that when war was carried on in any country, there was not a doubt that the most vigorous efforts were the most likely to lead to a speedy termination. There was this difference between an offensive and a defensive war, that an offensive war ought always to be a war of spirit. When vigorous efforts, therefore, were resolved to be made in Spain, there ought to be no limit to that vigour. Let an application, therefore, be made to the Prince Regent, to know from him whether the greatest possible use had been made by ministers of the means with which they were entrusted for carrying on the war, before coming to a decision on the merits of ministers, or the probability of the war being in future carried on with success.—He was far from wishing to refuse ministers the means necessary to carry on the contest in which we were engaged to a successful issue; but feeling for the people, groaning under accumulated burdens, and threatened with the financial abilities of the right hon. gentleman opposite, he thought the last resources of the country should not be granted without secutity that they should be properly applied.—After some observations on the miserable state of the manufacturers of this country, and their gloomy anticipations with respect to the ensuing Budget, he observed that the right hon. gentleman in his speech did great injustice, in his opinion, to America, on the subject of which he (Mr. W.) still retained the sentiments he had before manifested, namely, that this country had done every thing to drive her into a war, and made concessions too tardily to avert that evil. The right hon. gentleman indeed, in his usual metaphoric way, had talked of the law of nature, by which affection descended, and not ascended, and observed that children were seldom known to have the same affection for their parents which their parents felt for them; he thought that great parental affection had been shewn here; and very little filial love had been shewn there. Now, to judge from the correspondence which had taken place between Mr. Munro, Mr. Pinckney, and the right hon. gentleman himself, who according to his own metaphor was the father and they were the children, he would say, that he had lashed them most unmercifully, and that they had borne their castigation with all the meekness of filial submission. He was not, however, ready to condemn ministers without proof, and one of the objects he expected from his Amendment was, to obtain information on the conduct of the negociations with America.—The hon. gentleman then reverted to the state of our manufactures, which were such, that the little work which kept the manufacturers from starving, especially at Birmingham, was the manufactory of arms, and he deplored that ever the people of this country should be reduced to such employment for support.—After commenting on the taunt, as he asserted it to be, respecting the American ambassador, Joel Barlow, laying the liberties of the republic of America at the feet of the devastator of Moscow, and making several observations on the relations between this country and America, the hon. gentleman concluded with saying, that under all these circumstances he was desirous of imploring his Royal Highness to take into consideration the measure of inquiring whether or not it was at present possible to bring about a pacification. We now stood in a situation in Spain glorious beyond example, in so far as related to the splendid achievements of our armies, though, with respect to the main object, the expulsion of the French from the peninsula, we were not so near our object as many people supposed. The emperor of France was at present in great difficulties. He had indeed succeeded in one way beyond the expectation of all those who saw him set out. An unexpected event, however, had foiled him, and involved him certainly in great difficulties for the present; and though from these difficulties he might ultimately extricate

himself, there must be a considerable interval during which battles could not take place.—He knew he should be told as he had always hitherto been on making such a proposition, that the interference of parliament on such a subject would cramp the powers of the executive. But when he saw that one ministry after another took no advantage of any favourable conjuncture offered them for the accomplishment of this object, and that the moment a victory was obtained, instead of considering it as instrumental in leading to peace, the end of all war, they seemed to be immediately filled with the most frantic and unreasonable hopes, he was convinced that no ministry would ever voluntarily enter upon negociation, and that the House were therefore now called upon to interfere, that an event might at last be brought about of so much importance to this country, and to the world. With these impressions, and considering, lastly, that in tenderness for the Spaniards, our allies, we should allow them some time to settle their form of government; he had no hesitation in saying that, without debasing the dignity of the country, we might take some steps to ascertain whether or no France was disposed to listen to pacific overtures. The hon. gentleman then moved the following Amendment:

"That an humble Address be presented to his royal highness the Prince Regent, to thank his Royal Highness for his Royal Highness's most gracious Speech from the throne, in the name and on the behalf of his Majesty.

"To assure his Royal Highness of the inviolable attachment of his Majesty's faithful Commons to the persons of his Majesty, and of his Royal Highness; to his Majesty's government, and to the principles which seated his Majesty's royal family upon the throne of these kingdoms.

"To convey to his Royal Highness the expression of our sincere condolence, on the continuance of the affliction with which it has pleased God to visit his Majesty; whereby the recovery of his Majesty's mental powers appears to have been rendered hopeless, and the sacred life of his Majesty, from the frequent repetition and violence of the attacks, to have become alarmingly precarious.

"To represent to his Royal Highness, that in such circumstances, the existence of this new parliament is, of necessity, likely to be of short duration; and that it, therefore, behoves his Majesty's faithful Commons, to seize the earliest opportunity of submitting to his Royal Highness their view of the general situation of the country, and of laying before his Royal Highness the manifold griefs of his Majesty's faithful subjects, praying that his Royal Highness will take such steps as to his wisdom shall seem best calculated for their relief; and, at the same time, to promise our most dutiful and cordial co-operation.

"To express to his Royal Highness our hearty congratulations on the great successes obtained by his Majesty's arms, under the distinguished command of general the marquis of Wellington; and particularly on the glorious victory of Salamanca, prepared by the vigilance, decision, and skill of that great commander; and achieved, through the favour of Providence, by the consummate valour of his Majesty's troops, under his command.

"Nevertheless, to represent to his Royal Highness, our deep disappointment and concern, at finding that an event, which was followed by the evacuation of Madrid by the French, its occupation by the British commander in person, the withdrawing of the French garrisons from many of their military posts and fortified towns, the relief of various parts of Spain from the presence of the enemy, and the victorious advance of the British general into the heart of that country, has not been followed by such exertions on the part of its inhabitants, as might have been expected to spring from those feelings of abhorrence of French domination, and gratitude for British aid, by which his Majesty's faithful Commons have been informed, under the sacred authority of his Majesty's name, and they are still willing to hope, pervade the universal Spanish nation.

"More especially, because, at the same period, the power of France has been distracted by warlike operations, proceeding on the most stupendous scale, in a remote quarter of Europe; and, for the second time since the horrible and violent aggression of the French emperor, he has been prevented from directing his undivided resources to the subjugation of Spain.

"To assure his Royal Highness that we will with all diligence, as in duty bound, proceed to enquire, with the assistance of such information as we have no doubt will be furnished by order of his Royal Highness; into the causes of the reverses which have so soon and so unexpectedly led to the retreat of the marquis of Wel-

lington before the French force, the unresisted re-occupation of Madrid by the enemy, and their unobstructed progress in pursuit of the allied army; for the purpose of ascertaining whether these disappointments have arisen from weakness of counsel at home, and want of such support as it is in the power of the country to afford to the contest in which we are engaged; or are attributable to causes irremediable and inherent in Spain herself, and that we will lay before his Royal Highness the result of our inquiry, with such advice thereupon as to us shall seem expedient.

"To express our thanks to his Royal Highness for the intimation his Royal Highness has been graciously pleased to give, that he will cause to be laid before the House of Commons, copies of the Treaties lately entered into with the sovereigns of Sweden and Russia, and of the additional Treaty entered into with his Sicilian majesty, and our hope that the stipulations contained in those Treaties, and the obligations incurred thereby, may prove advantageous to the general interests of this empire and of Europe.

"To convey to his Royal Highness our heartfelt sorrow, that the measures advised by his Majesty's ministers, towards the conclusion of the last session of parliament, were not taken sufficiently in time to prevent a declaration of hostilities on the part of the United States of America, and that no course has been subsequently found practicable for averting the heavy calamity of war with that power, consistently with the honour and dignity of his Majesty's crown and the welfare of the state.

"To pray his Royal Highness will be graciously pleased to cause all the correspondence which has passed between the ministers of the crown, and the persons authorized, on the part of the American government, to be laid before this House, in order that we may be enabled to form a just and well-grounded opinion on the conduct of his Majesty's ministers, in the progress and termination of a negociation, which has ended in a manner so deeply to be deplored.

"To assure his Royal Highness that we shall apply ourselves with anxious attention to the important interests of Ireland; and that we will redeem the pledge given by the last House of Commons, at the conclusion of its last session, and will, early in the present session, take into our serious consideration the state of the laws affecting the Roman Catholics in Great Britain and Ireland; with a view to such final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects.

"To assure his Royal Highness that we will resume the consideration of the causes of the increasing depreciation of the paper currency of the kingdom, and the state of the law respecting the metallic currency, which instead of answering its intended purpose, appears to have created a still greater scarcity of the precious metals, and recommend such measures as shall appear to us the best adapted to retrieve the credit of the country, and to remedy the numerous evils to our national prosperity with which the extension of this system is fraught.

"That we will apply ourselves with all diligence and sincerity, to the great work of retrenchment and reform, so loudly demanded by a suffering people, and so essentially necessary to our preservation as a great and independent power.

"To assure his Royal Highness that we are determined to support the honour of his Majesty's crown against all aggressions, and by every needful sacrifice; but that when we are called upon to impose fresh burthens upon the people of these kingdoms sinking under an accumulation of taxes, and oppressed by circumstances of unusual privation and distress, we do implore his Royal Highness, at the conclusion of the nineteenth year of this most extensive war, which has for so long a time, almost uninterruptedly, desolated every part of Europe, to take such measures as to his Royal Highness's wisdom shall appear best, to ascertain whether it be not possible to procure the restoration of the blessings of peace. To state to his Royal Highness that it appears to this House that, at a moment when the glory of the British arms transcends the glory of all former periods, in the situation of the contest between Russia and France, there can be nothing derogatory to the honour of his Majesty's crown in a proposition made directly to all the belligerents on the part of his Majesty, for a general pacification of Europe."

Mr. *Bathurst* spoke in favour of the original Address. As a right hon. gentleman (Mr. Canning) had rightly stated, the

merit of this Address consisted in its giving such general assurance of support, as could be denied only in extreme cases, and avoided entering into a detailed opinion on subjects which would be more properly discussed on future occasions. With respect to the Amendment moved by the hon. gentleman, he could not think that that hon. gentleman seriously expected the House to adopt it, but merely intended to have his opinions recorded and circulated on the several subjects to which he had alluded. It was not to be supposed that the House could now dispose of those questions which related to such a variety of matter, on which they had not yet received the necessary information. He was at a loss to know on what principle the hon. gentleman thought this the proper time to apply for peace. He had spoken, it was true, of Buonaparté as having been defeated in his object with respect to Russia, and he had stated, that the time most proper for endeavouring to obtain peace, was, when affairs were in a prosperous condition, while at the same time the tendency of his speech was to prove that the condition of lord Wellington was not prosperous. The hon. gentleman had, nevertheless, confirmed the Speech from the throne in its most material parts, for, notwithstanding his opinion as to details, he admitted that the enterprize of the enemy against Russia had been hastily conceived and badly executed. Were these the grounds on which we were to sue for peace? Did he suppose that this House would go to the foot of the throne, and recommend negociations for peace without knowing more of the real state of the belligerents? One of the arguments used by the hon. gentleman appeared to him very novel indeed, namely, that we were to propose peace to the enemy in order to give Spain time to choose a government for herself. To him it appeared, however, that the Spaniards must first repel the aggressor, and drive the enemy out of the country, and having done this, they might then choose their own government. The hon. gentleman had complained of omissions in the Speech, and particularly with respect to the war with America. The information given by his noble friend on this subject was quite satisfactory, and stated that a proposition for peace had been made to America, to which no answer had yet been received. It would certainly be improper, and had never yet been looked for, on the first day of the meeting of parliament, to state all the negociations that had been carried on. His noble friend had expressed the pacific disposition of this country, by declaring that it had borne more from America than it would have borne from any other country. He thought this feeling, which he had no doubt was general, would have prevented any farther discussion on this subject. At any rate, this certainly was not the time to lay before the House any negociations that might have taken place, and it would be time enough afterwards to enter into discussions of this sort, when the documents should come in a regular way before them. The hon. gentleman, by the public prints, had given them before now an opportunity of knowing his sentiments on these subjects; and the present Amendment he had proposed was merely a repetition of them. He appeared anxious that this parliament should do something, because he thought it would be of short duration, owing to the circumstance of the King's health, and had hinted at some imaginary measure which he fancied to be or have been in contemplation unconstitutionally to lengthen the limits and enlarge the powers of parliament, but ministers had given no ground for such a supposition. This was a conjuration of the hon. gentleman's own, and having formerly made it the ground of a long advertisement, he had now made it the subject of his amended Address. Thus the hon. gentleman was either premature or unfounded in bringing forward his several points. He would have time afterwards to propose any motion on these subjects; but it was not to be supposed that on an Address, which ancient usage had made it customary to be an echo of the Speech from the throne, they were to discuss the whole state of the country, and anticipate the whole business of the session. And as if they had not enough on their hands, the hon. gentleman proposed also the present state of our currency as one of the subjects of address. This subject had been before the last parliament, and it must be recollected, that nobody had then proposed a remedy, whatever might be the extent of the evil. This might be again a subject of future inquiry, but why incorporate it into the Address, if no remedy was yet pretended to be found. Then the hon. gentleman came forward with a proposition for peace; for peace on any terms. He had brought in the war in Russia as an argument for

peace, but this was the best thing that could have happened, to shew that there was still a power in Europe that not only dared to resist the conqueror, but to turn back his tide of success. This, however, was not a war in which this country was concerned as a principal. There was nobody here responsible for it, or answerable for its results. The hon gentleman therefore had better have gone into the war in Spain, for there were persons in England responsible for that. The hon. gentleman had descanted at some length on the burning of Moscow, and had represented it as pretended on our part, that the people had set fire to their own houses. Nobody, however, had ever stated, that the people had set fire to their own houses; the general feeling of the Russian people had only been adverted to as willing to submit to any sacrifice, and shewing their love of their own government, and their detestation of the enemy in all their towns and villages, by their continued and increasing exertions. The hon. gentleman had denied the similarity of the Russian retreat to that of Moreau; but if the Russians had retreated on a settled plan before a superior force, where was the dissimilarity? With respect, too, to the cavil at that passage of what had fallen from the noble secretary (lord Castlereagh) on the subject of the war in Spain: his noble friend had only spoken of Torres Vedras by way of comparison, and not as what was likely to happen. The hon. gentleman had also misrepresented our connection with Sweden. Much advantage had been gained by that alliance, and Russia had been thereby enabled to throw a strong force into Riga, which not only checked the progress of the enemy, but occupied a very considerable portion of his attention. With respect to the siege of Burgos, he could not see that government was to blame. It was the spontaneous act of the general alone, and a very natural consequence of the result of the battle of Salamanca. With regard to America, it would not be fair to discuss that subject, nor could it be expected by the House to have laid before them and the public the necessary information respecting the negociation, till all hope should be lost of reconciliation. It was enough to say, that the necessary means had been taken to have a sufficient naval force in that quarter, and that, at the present moment, there were four times the number of British frigates on the American coast, that there were of those of the enemy. Some allusions had also been made to our military warfare in that quarter; but no man would say, that in the present circumstances, we should divert our military means from Spain to increase our force in Canada. At present, such a measure appeared unnecessary. As to Ireland, he should merely remark, that as the Prince Regent could only notice what had been done in parliament, mention of that subject would have been unnecessary, and on the subject of peace in general, all must know, that a proposition to that effect made to the enemy, if not attended with good, must lead to incalculable mischief.

Sir *Gilbert Heathcote*, who had seconded the Amendment, now shortly stated his reasons for supporting it. He thought that the gallantry displayed by our troops in Spain was highly creditable; but he deeply regretted that no negociations for peace had been entered into. He was the last man that would think of a dishonourable peace: yet while we went on with warlike preparations, and opposed an undaunted front to the dangers which surrounded us, a desire of peace should animate and direct all our actions, and always be the leading principle of our conduct. The effects of the battle of Salamanca were to put lord Wellington in possession of Madrid. But the Spanish Cortes, then, instead of deliberating on measures for the welfare of the nation, were employed in re-establishing that detestable court, the Inquisition. The advantages of continental alliances had often been questioned; but it remained for our days to see this country make itself the principal in a continental war: and to find the war continued for the purpose of supporting our revenues by the increase of our maritime commerce. To him measures were every thing, men nothing; although there were certainly persons beside him for whose abilities he entertained the very highest respect. The present war, which had driven the middle ranks of society from the parlour to the garret, was now about to attack the rich; but he thought a favourable opportunity for peace presented itself, of which he trusted due advantage would be taken.

Mr. *Ponsonby*, thinking he had been alluded to by a right hon. gentleman on the floor (Mr. Canning), when he spoke of an intended Amendment, assured that right hon. gentleman and the House, that he

had no knowledge whatever of such Amendment, until he heard of it in his place this evening; and that it had never been his intention to offer any proposition of that kind. The Address proposed by the noble lord, was, as usual, a mere echo of the Speech; but the Amendment proposed by his hon. friend was of a nature widely different, it embraced a variety of topics, unconnected with the Speech or Address, and among other things, requested the Prince Regent to make propositions of peace to the enemy. This was by far the most important part of the Amendment. But before he came to it, he wished to make a few observations on the other subjects to which the hon. gentlemen who had preceded him in the debate had adverted. As to America the noble lord opposite to him had said, "that he was sure the gentlemen of the other side could not blame ministers for not having at once exerted the whole power of England against America, as, during the whole of the last session, they had not ceased to recommend conciliatory measures towards that country." If the noble lord meant to include him in those insinuations, he did not accurately recollect what he (Mr. P.) had then stated. When the noble lord came down to the House with his numerous evasions and tergiversations about the Orders of Council, wishing to retain them one day, to modify them another, to suspend them the next, and, lastly, consenting to revoke them, he had then clearly stated, that he was apprehensive those delays would prove fatal to the concession itself, which perhaps could no longer avert the threatened hostilities. He believed others had expressed the same opinion, but he was certain that he had. Some gentlemen had even gone further, and had said, that America, wearied by long refusals, would insist on her own terms; in which case he had declared that he would resist any pretensions contrary to the acknowledged rights and to the prosperity of England; that opinion he did not wish to retract; but before he expressed any opinion on the subject, he wished to know what had really passed in our negociations with America. He did not wish to praise or censure ministers without proofs. He had disapproved of their former conduct; it was with gladness he had heard them profess their conciliatory dispositions, and he would not now pass condemnation upon them without evidence. The noble lord opposite, adverting to the situation of affairs in the peninsula, had asserted, that surely ministers could not be censured if the exertions they had made had kept pace with the resources of the country; he was one of those who had repeatedly asserted, that Spain could not be saved by British but by Spanish troops. He had always thought, that the mode in which we assisted the Spaniards was injudicious, and he was still of the same opinion; if he was wrong, if the system adopted by ministers was preferable to his suggestions, how could they stand justified in having carried on so ill, a better system, that no lasting advantage had been derived from it? How stood government in the present instance? A most brilliant victory had been obtained by the marquis of Wellington; a victory owing entirely to his own genius, for, from what he had learned from good authority, there never was a victory which depended less upon chance, and the probabilities of which had been submitted to stricter calculations. Yet what was the result? The gallant chief had been obliged to evacuate Madrid, which he had wrested from the foe; he had been forced to raise the siege of Burgos, for want of sufficient means, pursued by that very army which had yielded the palm of victory to his superior genius. The noble lord had stated that Russia had demanded neither money nor military assistance from this country; and this he believed, for he saw no recommendation in the Speech to provide for assistance of that nature. Russia had not demanded of us to make any exertion in her behalf in the north; no, but in Spain, as exertions made by us there would be more beneficial to her and to Europe. Had, then, the noble lord and his colleagues done in Spain all that the resources of England allowed them to do, and still were our prospects in the peninsula no brighter than they have represented them to be? If so, it was useless to carry further an unprofitable contest; it was useless to waste the blood and the treasures of England for an object unattainable; and it became proved, that the power of England was not competent to drive the French out of the peninsula. But, on the other hand, the noble lord had asserted that the power of England was fully adequate to the task; if so, ministers alone were to blame if the French were not driven out of the peninsula. If to comply with the earnest wishes of Russia they wanted additional means, they

were highly blameable in not asking them before the end of the last session of the last parliament. He did not wish, however, to condemn ministers without proofs, nor would he attach the foul blame to them until he was convinced they had deserved it. With regard to Russia, he professed to know nothing. They might be a barbarous, a semi-barbarous, or a civilized people, as they had been variously represented; but of this he was sure, that they had evinced feelings of which every civilized nation ought to be proud; feelings which neither philosophy nor refinement could teach, an invincible attachment to their native country. He could not forbear, on that head, paying his just tribute of applause to the Russians of all classes; to the government, to the army, and to the people; for all had vied with each other in sacrificing every thing for their country. How the contest might terminate he could not foresee, and, perhaps, he was not so sanguine as other people in his hopes of a successful issue; but this he was ready to acknowledge, that Russia had done more than was expected from her. She had done enough to disappoint sorely the invader, and to exceed all expectations which had been formed from the bravery of her hardy sons.—On the question of peace, as proposed in the Amendment, he was sorry, as he was at all times, to differ from his hon. friend. He was as desirous for peace as any man in England, could he see any way by which it could be attained; but the proposition of his hon. friend, if adopted, would go to put that desired blessing still farther from our reach; it would naturally raise the demands of the enemy, especially as the sufferings of the people formed the principal reason his hon. friend adduced to support his proposition. France would then say, the English government does not wish for peace, but the House of Commons forces them to it, owing to the misery of the people—let us keep up our demands, and we must have them on our own terms. He believed there was scarcely an instance, except during the American war, where parliament interfered, and made a peremptory call on government, or on the ministers of the crown to offer terms of peace. But these things did not stand on the same footing then as they did in the present instance. The war was not then a war between two independant countries, but between this country and a distant part of her own possessions, the inhabitants of which were anxious to procure their independence; and by acceding to whose wishes, our monarch must have alienated a great part of his own sovereignty. He doubted much if a king could make such an alienation of his territorial dominions, without the advice of his parliament. An alienation of territory naturally and necessarily required the advice of parliament, to give it validity; and he did not believe that any minister would have ventured on such a measure, without the advice and consent of parliament.—But he would detain the House no further on this subject. As to the other objects of the Amendment, to obtain information on the different topics in the Speech, he thought this might easily be obtained in a less objectionable way, and on the whole he should vote against the Amendment. All the objects referred to in the Speech, and in the proposed Address of the noble lord, would require, and would undoubtedly receive further discussion and enquiry; and he hoped to see his hon. friend employ those great abilities he possessed, in the investigation of each individually. The state of our relations with America, and the causes which had led to it, particularly; and also the Treaty with Sweden, he hoped to see discussed in their proper place. This day, however, he saw no reason why the Answer to the Speech from the throne should not be as usual; and, in so doing, he repeated it, he thought we were more likely to attain peace, than by adopting the way pointed out by his hon. friend.—Adverting lastly to the Roman Catholic question, he observed, that certainly the executive government was neither bound nor pledged to introduce that subject in the Speech. Considering, however, how connected that question was with the vital interests of the empire, it would have been wise in ministers to advise its being mentioned. Although not mandatory upon them in consequence of what had passed in the last parliament, yet it would have been politic and prudent to bring the matter forward under the sanction of government. From their silence, however, he concluded that they were still hostile to it; and the omission of that subject in the Speech, afforded him a proof that they did not intend to bring the subject forward. In consequence of this, and as a right hon. gentleman (Mr. Canning) who had last session made a motion in favour of the Roman Catholics, had now deposited his trust in the

hands of a right hon. friend of his (Mr. Grattan) so properly qualified, he would now in the name and at the express desire of that right hon. friend, give notice to the House, that shortly after the Christmas recess, he would submit a motion to the House, on the necessity of repealing the disabilities under which the Roman Catholics still laboured.

Mr. *Elliot* followed, and took up nearly the same grounds. He was happy to understand, that it was not the intention of his hon. friend to push his Amendment to a division. Had he been forced, however, to give a vote upon the subject, it must have been against the Amendment; because he thought that an Address, founded on the distresses of the country, and recommending the adoption of measures for procuring peace, would have the effect of retarding, rather than of accelerating that object—if, by a peace were meant the advantages which ought necessarily to result from the accomplishment of such a measure.

Mr. *Vernon* also expressed his satisfaction, that the Amendment was not to be pressed to a division, as he must have been under the necessity of voting against it. Before parliament addressed the crown on the subject of peace, he thought they ought to be satisfied of two things, first, that peace was attainable; and secondly, that the mode pursued was the most likely mode of attaining it. In the present instance he was convinced of the reverse of both of these being the case; and besides such an Address at the present moment would be unwise, as tending to infuse a distrust of our sincerity into both the Spanish and Russian governments,—peculiarly unwise at the present moment, when we had been obliged to allow the capital of Spain to fall again into the hands of the invaders, and when the emperor of Russia had evinced his sincerity in the contest, by sacrificing his own capital to his political honour.

The question being called for, the Amendment was put and negatived, and the Address carried without a division.

HOUSE OF LORDS.

Tuesday, December 1.

PETITIONS RESPECTING THE ROMAN CATHOLICS.] The Duke of *Gloucester* presented a Petition from the University of Cambridge, against the Catholic Claims, and stated that he did so, having the honour to hold the office of Chancellor of that University, but that he was anxious to be understood as giving no opinion on one side or the other relative to the subject of the Petition.

The Earl of *Hardwicke* observed, that due notice had not been given to the non-resident members of the University of the intention to set on foot such a Petition; to the consideration of which, he contended, the attention of the non-resident members ought to have been fairly called, it not being a question of religion, but of political expediency. To shew that the danger to be apprehended from the interference of the Pope was merely ideal, the noble earl observed, with reference to some late proceedings of the Catholic Prelates of Ireland, that the Pope was not to be found, nor could any communication be had with him.

The Petition was ordered to lie on the table.

Lord *Grenville* said that he had a similar Petition to present from the University of Oxford. The mere act of presenting a Petition at variance with his own opinions, was a thing so common in parliamentary usage, that he should not have thought it necessary to notice the circumstance. But both the illustrious personage who had preceded him, and himself, stood in a peculiar situation with respect to these Petitions. They come, my lords, from corporate bodies at the head of which we have the honour to be placed; and they purport to be the Petitions of the chancellors as well as of the other members of our two Universities. The illustrious personage has, therefore, thought it necessary to disclaim all participation in the prayer of the Petition which his Royal Highness has presented, and to remind the House that he has always hitherto (and from motives which all who know them must applaud) abstained from giving any opinion on this great question. For myself, however, I must go much further. My opinions upon it have been long publicly avowed. So far from concurring in this Petition, I am convinced that no other expedient could now be devised so certain and so effectual for bringing upon this country the very evils of which the petitioners are apprehensive, as the adoption of that very policy which they so earnestly recommend. Thus much I stated to your lordships on a similar occasion last year, and my opinion remains unaltered. But I have now a still more painful duty to dis-

charge. To the declaration of my unqualified dissent from the prayer of this Petition, I must add, that of my strong disapprobation of the terms in which it is expressed. It appears to me, by obvious and necessary construction, to convey a most injurious, unwarranted and groundless aspersion on the motives and principles of some of the best and wisest men both living and dead, who have ever adorned the councils or the senate of this country. It appears to me to extend this reflection even to the proceedings of the legislature itself. Such being, as I think, the import of the words according to their plain sense and meaning, it was matter of grave and serious deliberation in my mind whether I could be justified by any consideration in suffering my name to be affixed, even for form's sake, to such a paper. Nor am I yet sure that I have rightly decided. But if I have erred, it is on that side on which, if I err at all, I should wish my error to be found. I have erred from the desire of facilitating the exercise of the right of petitioning—from the wish to promote free discussion on this momentous question, and to give full scope and due weight to whatever either of argument or of authority can be adduced against those opinions, the success of which has always been best proved by full and unreserved examination.—I was also greatly influenced by my firm persuasion that the words which convey to my mind this highly objectionable sense were nevertheless not so intended by the framers of this Petition. They are men, I am confident, of juster and better regulated minds than to be capable of such a purpose. They know, I am certain, that nothing could be more unbecoming of their own peculiar stations—that nothing could less befit a grave, and reverend, and religious body, than the attempt to judge the consciences of others, and to fix an injurious calumny on the motives of those from whose opinions they may chance to differ. They are also, I must believe, men far too wise, and of judgments infinitely too enlightened, not to be sensible that if disgrace should attach any where, it must fall on the authors of the calumny, and not on those to whom it is applied. For them, therefore, as well as for myself, I publicly disavow any such interpretation of their Petition; and it is in this persuasion only that I could think myself authorised to present it to your lordships, and to move that it may lie on your table.

The Petition was ordered to lie on the table.

Bill for the Appointment of a Vice-Chancellor]. Lord Redesdale presented a Bill for the better administration of justice, which his lordship stated to be the same as that which was before the House last session, for the appointment of a Vice-Chancellor, and observed that it was quite impossible for any person, whatever might be his talents or his industry, to execute the multifarious duties which now devolved upon the Lord Chancellor, and that the consequence of his not having the requisite assistance, was a delay in the hearing of Appeals and Writs of Error in that House, which was most ruinous and oppressive to the parties concerned.

The Bill was read a first time and ordered to be printed.

HOUSE OF COMMONS.

Tuesday, December 1.

Answer of Admiral Stopford to Vote of Thanks.] The Speaker acquainted the House, that he had received from rear-admiral the hon. Robert Stopford the following Letter, in return to the Thanks of this House, signified to him by the Speaker, in obedience to their commands of the 10th of January last;

"*Cape Town, Cape of Good Hope, 28th August*, 1812.

"Sir; On the 24th of August I had the honour to receive your letter of last January, communicating the unanimous Vote of Thanks of the Commons of the United Kingdom of Great Britain and Ireland, for my cordial co-operation with the army acting under the command of lieutenant-general sir Samuel Auchmuty, in the late operations on the Island of Java. I beg leave to express to you, Sir, the high value I place upon this distinguished mark of approbation of my conduct upon that occasion; and I shall take the earliest opportunity of communicating the unanimous Vote of Thanks of the Commons of the United Kingdom to commodore Broughton, the captains, officers, seamen, and marines, employed with me upon the reduction of Java. I have the honour to be, Sir, &c. Robert Stopford, Rear-admiral.

"Charles Abbot, esq.
Speaker of the House of Commons, &c."

Petitions respecting the Roman Catholics—from the University of Oxford—the City of Oxford—and Sion College.] Sir William Scott presented a Petition from the chancellor, masters, and scholars, of the University of Oxford, setting forth,

"That the petitioners can never cease to be, in every just and proper sense of the expression, the firm advocates of religious toleration, but that they have always contemplated, and still continue to contemplate, with extreme anxiety, the efforts incessantly made to overturn the defences of our civil and religious establishments, by the admission of persons professing the Roman Catholic religion, not only to offices of the highest trust and authority, but even to the power of framing laws for the government of this Protestant Church and State; and that the Petitioners do verily believe that the restrictions and disabilities to which the Roman Catholics in Ireland are subject, are still indispensably requisite for the maintenance and security of the Protestant government, and especially of the Protestant Church, as it is now by law established in that part of the United Kingdom; and that the petitioners see also much reason to apprehend that the removal of these restrictions and disabilities would lead, and they fear, by direct and necessary consequence, to a removal of all restrictions and disabilities whatever on account of religion, and to an entire abrogation of the oaths, declarations, and tests, by law required of every person admitted to sit or vote in either House of Parliament, or to fill offices of trust and power, which the petitioners still humbly conceive to be essentially necessary to the safety both of our civil and religious establishments; and praying, that the House, in its wisdom, will be pleased to maintain those laws, and preserve inviolate those securities which long experience has proved to be most congenial with the character, and under Divine Providence, most conducive to the stability of our happy constitution in Church and State."

Mr. Atkins Wright presented a Petition from the mayor, bailiffs and commonalty of the city of Oxford, in common council assembled, setting forth,

"That the petitioners are filled with the most serious apprehensions of danger from a renewal of the attempts which have already been so often made by the Roman Catholics of this United Kingdom to obtain the full enjoyment of political power, and to remove all the restraints and incapacities to which they are subject by the laws now in force against them; and praying, that the statutes constituting and establishing those restraints and incapacities may still be preserved inviolate, in as much as those statutes appear to have been devised by the wisdom of our ancestors as the best and surest means of giving permanency and security to the Protestant government of this country in Church and State, and as, in the firm belief of the petitioners, the same, or equally as strong reasons, now exist for the continuance of those statutes as when they were enacted."

Mr. *Lockhart* intimated that, when the Petition should come to be taken into consideration, he would support the prayer of the Petitioners.

Sir William Curtis presented a Petition from the London clergy, incorporated by the title of "The president and fellows of Sion College within the city of London," setting forth,

"That the petitioners, having witnessed the efforts repeatedly made of late years to procure further indulgences for persons professing the Roman Catholic Religion, cannot but contemplate with great solicitude the probability of those efforts being speedily renewed; and that the petitioners, therefore, regard it as their bounden duty humbly to express their most serious apprehension of the dangers likely to arise from the removal of those restrictions and disabilities to which the Roman Catholics are now subject, and from enabling them to hold offices of the highest trust and authority, and even to sit in the imperial parliament, to legislate for a Protestant Church and State; and that the petitioners, while they are the firm advocates of religious toleration as recognized by the laws of this country, and desirous that its blessings may continue, cannot but feel alarmed at the evils to be apprehended from depriving the established Church of that mild ascendancy which it now enjoys, and they cannot but deprecate the adoption of measures which would, as they conceive, be a departure, in a leading and important instance, from the acknowledged principles of our constitution; and that the petitioners are humbly of opinion, that the restrictions and disabilities now subsisting

with respect to the Roman Catholics, are not in themselves either oppressive or unjust; and that they continue to be no less indispensably requisite than heretofore, for the maintenance and security of the Church establishment, against those whose principles, when carried into effect, have ever been found incompatible with true Christian toleration, and subversive of civil and religious liberty; and that, in stating this their humble opinion, the petitioners cannot but recollect, that the safeguards of which they deprecate the removal have been proved by long experience to be necessary, that they were established by our ancestors at a period when our laws and liberties were fixed on a solid basis, and the crown of these dominions was limited, by the Act of Settlement, to the Protestant succession; and praying, that the House will, in its wisdom, continue to preserve those safeguards which, under Divine Providence, have been the firm support of our national constitution in Church and State, and of the title of our revered monarch, and his august family, to the throne of this United Kingdom."

And the said Petitions were ordered to lie upon the table.

Resolutions relating to Private Bills.] Lord Castlereagh moved, That the Standing Order of this House, of the 18th day of June 1811, "That all Petitions for Private Bills be presented within fourteen days after the first Friday in the next and every future session of parliament," might be read; and the same being read; Resolved—1. That this House will not receive any Petition for Private Bills after the 18th instant. 2. That no Private Bill be read the first time after the 8th of March. 3. That this House will not receive any Report of such Private Bill after the 10th of May.

Resolution respecting Classing and Reading Election Petitions.] A Petition, complaining of an undue election and return, being offered to be presented; Resolved, "That whenever several Petitions, complaining of undue elections or returns of members to serve in parliament, shall at the same time be offered to be presented, Mr. Speaker shall direct such Petitions to be all of them delivered at the table, where they shall be classed, and read in the following order; viz. Such Petitions as complain that no return has been made of a member or members to serve in parliament, in the first class. Such as complain of double returns, in the second. Such as complain of the election or return of members returned to serve for two or more places, in the third. Such as complain of returns only, in the fourth; and the residue of the said Petitions, in the fifth class. * And the names of the places to which such Petitions (contained in the first class, if more than one) shall relate, shall, in the first place, be written on several pieces of paper of an equal size; and the same pieces of paper shall be then rolled up, and put by the clerk into a box or glass, and then publicly drawn by the clerk; and the said Petitions shall be read in the order in which the said names shall be drawn, and then the like method shall be observed with respect to the several Petitions contained in the second, third, fourth, and fifth classes, respectively."

And it appearing, by the return book, that there were no cases falling within the first and second classes; Resolved, "That this House will not, before the adjournment of the House for the recess at Christmas, take into consideration any of the Petitions presented, complaining of undue elections or returns of members to serve in parliament."

Shaftesbury Election—Petition of Mr. Wetherell, &c.] A Petition of Charles Wetherell, of Lincoln's Inn, esq. and Edward Kerrison, esq. and also of John Cooper, of the borough of Shaftesbury, ironmonger, and William Swyer, of the same place, banker, was delivered in, and read; setting forth,

"That, at the last election of burgesses to serve for the said borough in parliament, held on the 7th of October last, the petitioners Charles Wetherell and Edward Kerrison, together with Richard Bateman Robson, esq. and Hudson Gurney, esq. were candidates to be elected; and the petitioners John Cooper and William Swyer had a right to vote at such election; and that the petitioners Charles Wetherell and Edward Kerrison had the majority of legal votes at such election, and ought to have been returned duly elected to serve in parliament for the said borough; and that many legal votes tendered for the said petitioners were rejected; and a great number of persons, not legally entitled to vote, were admitted to vote at the said election for the said R. B. Robson and H. Gurney; and sundry

votes unduly entered for them; by which means they obtained a colourable majority over the petitioners C. Wetherell and E. Kerrison, and have been unduly returned to serve for the said borough; and that, at the election aforesaid, certain voters were bribed to give their voices in favour of the said R. B. Robson and H. Gurney; and the said R. B. Robson and H. Gurney were guilty of divers acts of bribery and treating, by themselves and agents, at such election, and gave, and promised to give, by themselves, and agents on their behalf, rewards, provision, meat, drink and entertainment, to persons having voice at such election, in order to be elected to serve for the said borough in parliament; and by such, and other undue and unlawful practices, procured themselves to be returned as aforesaid; and praying, that the House will be pleased to take the premises into consideration, and to declare the petitioners C. Wetherell and E. Kerrison duly elected, and that they ought to have been returned for the said borough, or to give the petitioners such other relief as shall seem fit."

Ordered to be taken into consideration upon the 9th of February next.

RESOLUTION RESPECTING ORDERS AND NOTICES.] Lord *Castlereagh*, pursuant to notice, moved to revive the regulations which had been adopted last session, respecting the Orders of the Day entered in the book, and the Notices for Motions. His lordship observed, that the business of the House had been much facilitated by setting apart two days in the week, in which the Orders of the Day should have the precedency of motions, without, however, depriving any hon. member of the right of calling the attention of the House to any subject he might think proper. The noble lord moved in consequence, "That in this present session of parliament all Orders of the Day, set down in the Order Book for Mondays and Fridays, shall be disposed of before the House will proceed upon any motions of which Notices shall be entered in the Order Book."

Mr. *Whitbread* observed, that this motion was couched in the same terms as that against which he had contended last session. He did not mean, in consequence, to renew in the present instance the arguments he had used on that occasion; but he would renew his protest against a novel measure, which, while it produced no manner of advantage, gave the ministers, whoever they might be, a great influence over the debates of the House. He hoped, however, that members would still insist on the right they enjoyed in good old times, namely, that of making motions whenever they thought proper, and without notice too. He, for one, would always claim that undoubted right, and always exercise it according to his discretion.

Lord *Milton* also protested against it as contrary to the usage of parliament, and as tending to cramp the proceedings of the House.

The motion was then carried.

PRINCE REGENT'S SPEECH ON OPENING THE SESSION.] On the question that the Report of the Address, in answer to the Prince Regent's Speech on opening the session, be brought up,

Mr. *Creevey* rose and observed, that more time ought to be allowed for the consideration of the many important topics touched on in the Prince Regent's Speech, and especially the three wars in which we were engaged, the policy of which he was not yet prepared to approve. The Speech contained an omission, which was also, in his view of the subject, very important. The Prince Regent had expressed his reliance, that the House of Commons would furnish the supplies, but without at all adverting to the perilous state of our finances and commerce. That this was an unusual and ill-advised proceeding, he referred to some former Addresses to prove. Did the ministers know nothing of the state of the finances, had they withheld all knowledge of our commercial distresses from the Prince Regent, or did they deny the existence of such distresses? The House, he thought, would be better employed in inquiring into the financial state of the country than in voting the proposed Address; for it had been acknowledged by the right hon. the Chancellor of the Exchequer, and by a right hon. gentleman of great financial knowledge, who unfortunately was not now a member of the House, (Mr. Tierney), that the present system could not be persevered in, and as a remedy the Chancellor of the Exchequer's nostrum was, a tax on capital!—How, in the present state of things, could they think of pledging themselves to the support of the war in the peninsula, on its present scale? What he knew was, that our expences last year were 121 millions; that notwithstanding the resolutions of the

Chancellor of the Exchequer, which declared the paper money to be equal in value to gold, the public annuitants had been robbed of one third of their incomes, and that, not for the benefit of the public, but for the benefit of the Bank Company; and then the effect of this system must be, the annihilation of all stock-holders. These were his reasons for opposing the present Address.—The hon. member, after having adverted to the parliamentary farce attending the opening of parliament—two well-dressed gentlemen coming down to the House with speeches in their pockets; well-written essays or themes proposed by ministers—concluded by moving as an amendment, that the Report be brought up this day s'ennight.

Mr. *Fremantle* further impressed upon the House the necessity of inquiring into the present state of the public expenditure, before the Report at the bar was agreed to. As to the general subject of the royal Speech, he was decidedly of opinion, that our prospects at the present moment were not nearly so bright as at the commencement of the last session of parliament. The war in which we had injudiciously plunged ourselves with America, was in no degree counterbalanced by the peace that had been concluded with Russia. With regard to the peninsula, he was persuaded that, by the battle of Salamanca we had gained nothing but glory, and that the freedom of Spain was no nearer in its accomplishment than when the marquis of Wellington was posted at Torres Vedras. At the same time that he disapproved of the Address, he acknowledged that he could not vote for the Amendment that had been last night offered to supersede it, and which recommended propositions for peace to the Prince Regent. He thought such a proposition coming from the House, would inevitably defeat its own object, and lower the country in the eyes of the enemy.

Mr. *Robinson* was surprised that the hon. gentleman who had just sat down, could have advanced that the late campaign in the peninsula had left our affairs in that quarter in a worse situation. This gross error, into which many other honourable gentlemen had fallen, arose from their considering the campaign as beginning at the battle of Salamanca, whereas, in fact, it had begun at the taking of Ciudad Rodrigo; and this was the only fair point of view in which it could be considered. The hon. gentleman then followed the operations of lord Wellington, from the taking of that town. It was true, he had been compelled to retire from before Burgos, and to evacuate Madrid, but it was absurd to expect constant success in war; and he was sorry to observe, that on all occasions, we were too prone to be exalted or depressed beyond measure, by success, or partial failures. The fact was, that the campaign so much blamed, had driven the French from a great part of the western provinces of Spain, had forced them to evacuate the south, and to raise the siege of Cadiz, the capture of which they considered as of such importance in a military point of view, that they sat two years and a half before that place, regardless of every other advantage they might have obtained by concentrating their troops.—As to America, he would venture to assert, that, as in the first instance no means were neglected of preserving peace, so it would appear that no exertions had been wanting to prosecute the war when it was found inevitable.

Mr. *Rose* said, he wished to correct a mistake of the hon. gentleman who had moved the amendment—a mistake which had occasioned much misconception out of doors. His right hon. friend, the Chancellor of the Exchequer, had never proposed a tax on capital, and from all the attention which he himself had given to the subject, he was convinced, that such a tax was altogether impracticable. A right reverend prelate (the bishop of Llandaff) had indeed written a pamphlet on the subject some years ago, but still, after the most mature consideration, he remained satisfied of the impossibility and impracticability of such a tax.

Mr. *Stuart Wortley* deprecated the idea of making the miseries of the people the grounds of suing for peace, as it would debase the nation, raise the demands of the enemy, and abandon all the fruits of the struggle in which so much money and so much treasure had been lavished. Having said thus much, he trusted, on the other hand, that ministers would pay due regard to the real sufferings of the people, and not let any opportunity escape by which they might procure a peace consistent with the honour, safety, and interests of the country.

Lord *Milton* earnestly called upon the House to reflect upon the ruinous tendency of prosecuting the war with America. He believed that the two governments were decidedly hostile, while the

two nations were as decidedly pacific. He lamented to see the person at the head of the government guided so implicitly by his enmity to the United States. This might be a bold assertion, but he was not afraid to declare what he sincerely thought.

Mr. *Stephen* warmly resisted the statement of the noble lord, that there was any irritation in the illustrious person at the head of the government towards the American people. The Speech delivered only yesterday contradicted the assertion, for it breathed only a spirit of amity and conciliation.

Lord *Milton* explained, that he had been misunderstood; he had no such allusion as the hon. and learned gentleman had imputed to him.

Mr. *Stephen* resumed; he was satisfied that he had been mistaken, and that the noble lord did not mean what he had erroneously attributed to him. He would not enter into minute points, but he would assert in opposition to the noble lord, that an equal spirit of irritation did not prevail in the two governments; on the contrary, a friendly disposition had ever been displayed by the government of Great Britain. The statement of our wrongs was not intended to irritate, but to conciliate by conviction. For his own part, however much he might be interested in the discussion of the question of America, he entertained no personal feeling of irritation; but the Orders in Council he had defended with his tongue and his pen—and he could appeal to authorities across the Atlantic, for testimonies of his moderate and respectful language towards the government of America. Had the noble lord forgotten the language used to Mr. Erskine, when he, bearing concessions to them, was received with taunts, instead of the terms of amity and conciliation? Had he forgotten the treatment of Mr. Jackson, who was driven from the country without being permitted to wait for the instructions of his government? The noble lord must have a short memory, if he did not recollect that the government of America had declared, that they expected the treaty of Utrecht should be considered the maritime law of nations—a law that would render the navy of England useless, except to guard her own coast. When, by a fatal event, it became probable that the Orders in Council would be rescinded, did not America abandon that ground of complaint, and immediately demand an abandonment of our system of blockade, and a renunciation of the right of search? Could the noble lord find any way to negociate with America without abandoning our rights; or was he prepared to say that we ought to abandon them? With regard to the concessions made to America by ministers, it was a point on which he differed from them.—The hon. and learned gentleman then entered into a detailed discussion of the Orders in Council and our blockade system, and observed, that to exaggerated statements of civil war and revolution among our manufacturers, might be attributed the concessions to America—and, to those concessions, the present war. A heavy responsibility attached to the real authors of this unnatural war between two countries united in origin, in language, and in manners, and who were, besides, the only countries in the world where civil liberty existed: but he saw no prospect of any peace consistent even with our existence, since the measure of American demands was determined by the unjust and unlimited aggressions of France.

Mr. *Wilberforce* deprecated any intention on the part of the House to call on the ministers to pledge themselves to seek peace, as such conduct would defeat the object it professed to have in view. It would perhaps create a popular cry in the country for peace, and raise the demand of those with whom we should have to negociate. He did not doubt that the ministers participated in the wishes of the people, as they regarded peace; there appeared no disinclination on the part of government to negociate, and as our prospects on the continent were now somewhat better than heretofore, he hoped those prospects would not be blasted by any premature solicitations on the part of the House. He knew of but one instance of a petition to the king to make peace, being carried in that House, and in that instance it had been productive of more evil than good.

Mr. *Ponsonby*, although he generally coincided with his hon. friend who was the mover of the present amendment, yet differed from him on this occasion. By receiving the report, the House by no means adopted the opinions contained in the Address; it was, therefore, unnecessary to postpone its consideration: the Address was a natural consequence of the Speech, and resembled a mere common

place letter, in which were a great number of words of course, ending with "I have the honour to be, Sir, with the highest respect, your devoted humble servant," when, in fact, the writer felt none of that respect and devotion of which he talked. To debate the Address, paragraph by paragraph, would take up the whole of the session. Many of the topics treated of in the Address, would require mature deliberation; and as to the Spanish war, he thought it would be best discussed when the Chancellor of the Exchequer should come to the House for supplies.

Lord *Castlereagh* agreed entirely with the last speaker, but wished to correct a statement made by an hon. and learned gentleman, that the government of this country had at any period conceded the right of the Americans to insist on the repeal of the Orders in Council.

Mr. *Whitbread* wished to say a few words in reply to what had fallen from the hon. and learned member opposite, and also from the late member for Yorkshire, who had honoured him with the appellation of friend. The hon. and learned gentleman opposite had informed them, that a day would be appointed for considering the American question; and as the hon. and learned gentleman had returned to that House unchanged, he would venture to predict that it would not be a short day. The hon. and learned gentleman had told them, that he had employed his pen and tongue in support of the Orders in Council: his pen he had employed before he entered parliament, and no doubt that pen had gained him his seat; and that he had used his tongue subsequently to his being in parliament, the House could abundantly testify. It appeared singular, however, that the hon. and learned gentleman, who spoke on every subject, should have been silent the day that his darling offspring, the Orders in Council, breathed their last; but so it was. He had heard that the marquis of Wellington had once been employed to prevent a certain right hon. doctor (Duigenan) from speaking; and as he had observed a noble lord seated by the hon. and learned gentleman during the debate to which he alluded, he had no doubt that his employment was precisely similar to that of the noble marquis. He had been very anxious to hear the right hon. the Chancellor of the Exchequer; but as often as he had attempted to rise, he had been prevented, first by one, then by another; at length up started the late Treasurer of the Navy, (Mr. Rose) whom he might denominate the patriarch of the Treasury Bench, and who chose to disclaim all idea of a tax on capital, which he threw upon a right reverend bishop, many hundred miles off. If it really was the natural child of the right reverend prelate, he thought it very hard to throw it at his door, under such circumstances.—The hon. gentleman then proceeded to detail the occurrences of his political life, and repelled the attack made on him by Mr. Stephen, whom he designated as the author and supporter of the Orders in Council—he who eulogised them while living, and lamented them when dead.—He stated, in reply to Mr. Wilberforce, that the petition for peace carried in that House, was at the close of the American war, when the distressed manufacturers burst the doors of the House, and by a recital of their distresses obtained the petition. Mr. Burke was then the eloquent but unsuccessful advocate of peace—deaf was the parliament!—deaf were the ministers!—deaf was the prince!—that war, so obstinately persevered in, ended in the independence of America, and its consequences were now visiting us. He denied that he was (as he had been characterised) a man who wished to drag his country to the feet of France, and asserted, that he had ever acted on principle, and during the whole course of the war had been the consistent advocate of peace. The hon. gentleman next adverted to the Amendment which he had proposed on the preceding evening, and which, he contended, had been misunderstood; as it did not call on the Prince Regent to enter into an immediate negociation for peace; but to cause an enquiry to be made as to the feelings of the enemy on that point. He then stated, in allusion to what fell from Mr. Ponsonby on the preceding evening, the various occasions on which the subject of negociations with France had been before the House, and the conduct he had pursued. Although he had delivered his opinion on those occasions, he never had, before last night, submitted any specific proposition on the question. But now, when he saw an opportunity occur most favourable for this country, and when he saw no manifestation in the speech from the throne, of a desire to seize that opportunity, he conceived it right that parliament should interfere. They must all recollect, that the speeches from the throne during

the last 20 years, contained, in general, a passage, expressive of a desire to conclude a peace with France, and with all the world, if it could be procured on terms commensurate with the safety and dignity of the country. But now there was a total silence on that point; and he wished to prevent that bare and naked exposition of the state of the country,—he wished to prevent those distresses which the war had, and must continue to produce,—being blazoned throughout Europe; he wished to save the country from being placed in a similar situation to that in which she had been plunged by the repeal of the Orders in Council, when it was too late—and this could only be effected by a timely pacification. No man was more ready than himself to endure privations for the public good; no man would feel more repugnance in endeavouring to prevent the people from making any sacrifice which tended to uphold the honour of the country; but when he saw the government placed in hands which his right hon. friend (Mr. Ponsonby) was not himself disposed to support—when he saw a government possessing power, but without confidence—when he saw the infatuation which prevailed in the country, from the period of Mr. Fox's motion, in 1793, for opening a negociation with France, down to the present hour,—he thought he acted correctly in endeavouring to check the evil. He wished the Prince Regent to be informed of the true state of the country, before fresh exactions were placed on the people, that measures might be devised to prevent their necessity. Many opportunities would occur for the consideration of the Spanish question. He agreed with the hon. gentleman (Mr. Robinson) as to the improved situation of our army on the peninsula now, compared with what it was at the end of the last campaign. But, when he spoke of the importance of raising the siege of Cadiz, and of the retreat of Caffarelli, a question arose, which every Englishman was anxious to ask; "What has Spain done?" To answer this, circumstances must be noticed, which one would fain forget. Let us look to lord Wellington's gazetted account of the battle of Salamanca. We there find units, tens, hundreds, and thousands of slain and wounded, on each side; while the Spanish loss is reduced to six! He should be glad to have this circumstance properly explained. Lord Wellington had spoken of the Guerillas as being very active; and, he believed, that was all that could be said. As partisans, they might do mischief to the enemy, and he was afraid they also annoyed the population themselves; but to look to them for any great effort, if the English army were removed, was to encourage a vain imagination, in which there was no hope. Buonaparté was at present in a perilous situation, and every exertion ought to be made, by taking advantage of it, to procure a peace. But a feeling seemed to pervade the minds of certain persons, that a peace should not be concluded with that man—a feeling which he wished to eradicate from this country; for, in the probable course of events, we should be obliged to make peace with him. Let him, then, be sent to, openly and manfully; the fate of the mission would be speedily known; and the issue would be, a conviction on the minds of every one, whether a permanent and honourable peace could be procured or not.

The *Chancellor of the Exchequer* wished to make a few observations on what had fallen from some of the preceding speakers. An hon. gentleman had alluded to the expenditure of 1809. In that year, the bills drawn from the peninsula on this country amounted to 2,800,000*l.* In the present year they amounted to 11,500,000*l.* So much for the comparative expenditure of the war during these two years; and so much in answer to those who imagined that government had not made the most strenuous exertions in support of the war in the peninsula. In answer to the assertion of an hon. gentleman (Mr. Creevey) who said he had read all the king's speeches to parliament, and that in all of them mention was made of the commerce and revenue of the country, he would mention that in the years 1809 and 1807, no reference whatever was made to the state of the revenue or commerce. With respect to the allusions to a tax on capital, which he was said to have announced, he begged leave to recommend to the attention of the hon. gentleman who charged him with this, the treatise of Dean Swift on Political Lying. He never declared that a tax on capital was to be proposed. All that he said was, that such a measure had been resorted to in other countries; in Holland, Switzerland and Hamburgh for example, and that he believed it might be practicable in this country; but he stated, that he was far from thinking that we had arrived at such an emergency as made this scheme necessary here. An

hon. gentleman (Mr. Whitbread) had thought proper to say, that we were match at sea by the Americans, because one ship of inferior force had been taken by another of superior; and a right hon. gentleman (Mr. Canning) had stated that our commerce had been swept from the ocean by the Americans. With respect to our commerce, he had to state, that till the accounts from all the out-ports could be obtained, which was impossible till the end of the year, a correct estimate could not be formed of it. However, to judge from the port of London, where a great proportion of the trade of the country was carried on, the inference would be highly favourable. In the first ten months of last year, the exports from the port of London, in official value, amounted to eight millions and a half, and in the first ten months of the present year, they exceeded thirteen millions, a greater sum than for the same period of any former year, except 1809, which was the greatest ever known. No doubt the interruption of the American trade was severely felt in many parts of the country; but it would be matter of great triumph to Mr. Gallatin, if at the commencement of Congress he could give such an account of the commerce of America. In the amount of the revenue of last year, there was only a deficiency of 90,000*l.* a very small sum indeed in a total of sixty millions.

Mr. *W. Smith* said, the right hon. the Chancellor of the Exchequer had stated, as a matter of triumph, that 11,500,000*l.* had been expended in the peninsular war, in the last eleven months, while in 1809, only 2,800,000*l.* had been expended for the same purpose. He, however, must observe, that the depreciation of currency was not quite so great in 1809 as in 1812; and he believed the quantity of gold and silver exported in the latter year, would account for a considerable portion of the increased sum. The same remark, he believed, might be made with respect to the deficiency of the revenue. As they went on, they would find that 60 millions this year, would not be equal to 60 millions in the last. Nor would they find 60 millions in the next year, equivalent to the same sum now; and, instead of a deficiency of 90,000*l.* they would see it continually increasing.

Mr. *Canning* wished to restate part of the opinions delivered by him on the preceding evening, which had been misconceived. He did not complain of the government for not issuing letters of marque, but of the absence of all maritime military efforts against the coast of America at an early period of the war. Had sufficient armaments been seasonably stationed off the American ports, all the American vessels would have been hermetically sealed up in those ports. He did not mean to say, as had been supposed, that the whole of our commerce had been swept away by the maritime efforts of America. What he meant to say was, that the captures by the Americans were greater in an infinite proportion than they ought to have been, considering the disproportion between our ships and theirs. The Chancellor of the Exchequer seemed to have forgot his logic when he thought that this charge was answered by an amount of the exports from the port of London; for the amount of those exports by no means indicated their arrival at their place of destination. His charge against the government for not publishing a counter-declaration to that issued by America, on the subject of captain Henry's supposed mission, was also unanswered. The American declaration stood recorded in the face of the world, and the government had not done the country justice in not stating the denial in a manner equally public. Why was such a counter-declaration withheld? Because, said the noble lord, of its being irritable matter. This was humiliation with a vengeance, if the Americans were to be allowed to publish such a charge, and we were not to answer them for fear of irritating them. Much had been said in the course of the evening, on the subject of peace. He believed there existed in the government of France, a determination to pull down this country from the situation which she held in Europe; and therefore we had not only to contend with our other difficulties, but also with that permanent hostility of sentiment, which was not alone directed against our warlike power, but against our very existence as a nation. It was dangerous, therefore, to throw out among the people that peace was easy of attainment. Great distress certainly existed in the country, though it had been greatly exaggerated; but a warning ought to be taken from the proceedings previous to the repeal of the Orders in Council, not to hold out hopes which might only end in disappointment. He wished to know from the noble lord what was the real situation of this country

with respect to America? He had listened attentively to the noble lord's speech of last night; but if any person this morning had asked him whether we were at war with America, or whether there was a negociation with that power, or whether the war or the negociation predominated, he could not have given him a satisfactory answer.

Lord *Castlereagh* conceived the statement he made on the former evening, with respect to our situation with America, could not have been misunderstood; it was neither more nor less than a state of unqualified warfare. As to a counter declaration, it would have been improper to issue it until an answer was returned by America to the repeal of the Orders in Council, and to the proposition which had been made to her.

The Amendment was then negatived, and the Report brought up. On the question, That it be now read,

Mr. *Ponsonby* rose, and explained his reasons for pursuing the line he had done on the former evening. If he had been in the House in 1793, he would have voted for Mr. Fox's motion to send an ambassador to Paris, to prevent the breaking out of the war; and for this reason, because the whole question was, whether the government of France, as then constituted, was fit to be treated with; and as he was of opinion, that one independent state should not interfere with the government of another, he, of course, conceived that a treaty might be concluded with the provisional council which then ruled in France; and he would have confined himself to this opinion, that it was more easy to treat for the prevention of war than for peace. His hon. friend had stated, that there were persons who entertained an opinion, that no peace could be made with the present emperor of France. Now, if his hon. friend could shew him that such an idea was cherished by any of his Majesty's ministers, he pledged himself to vote with him for an Address to-morrow; because he thought the French emperor might be treated with as well as the head of any other government. His hon. friend had said, that the Address only proposed to the Prince Regent to examine whether a peace could be made on proper terms. This certainly was a mitigated character of the measure; but still it implied one of these two things—either that the ministers were not willing to enter into a negociation, or that the necessity of peace was so urgent, that it became the duty of the House to interfere. Now, if the first assumption were true, it would not be safe or constitutional to address the throne to seek for peace; the Address ought to be for the removal of ministers. On the other hand, if ministers were as ready as they stated themselves, to enter into a negociation, the ground of an Address must be, that they mistook the situation of the country, and did not see the necessity of making peace, even if they could, and that, therefore, the House must interpose. He did not think the country was in that situation; and, however mitigated the form of Address might be, if they interfered at all with the known prerogative of the crown, it would be telling the enemy that the distresses of the country called for peace. He, therefore, could not consent to deviate from the ordinary system of the constitution, not having that information which the cabinet ministers alone possessed.

Mr. *Whitbread* went over the arguments which he had before advanced in support of his Address; and in reference to his assertion that a spirit existed in this country, personally hostile to the French emperor, he instanced a pamphlet which was published by authority, during lord Sidmouth's administration, and sent to the different clergymen throughout England, to be read in their respective churches, filled with the grossest falsehoods, relative to Buonaparté; and he inferred that this spirit had not subsided, as one of the paragraphs in the Speech from the throne, at the conclusion of the last session, seemed to speak language somewhat similar.

Mr. *Canning* defended the passage in the Speech of the Lords Commissioners alluded to by the hon. gentleman; and then went over nearly the same grounds, on the subject of peace with France, as he had before done.

Mr. *Bathurst* defended the administration of lord Sidmouth, and denied, peremptorily, as far as his recollection permitted him, the authorised publication of any such pamphlet as that mentioned by the hon. gentleman.

Mr. *Whitbread* said, it was shewn to him by the clergyman of a church in Bedfordshire; and the person who wrote it, [Mr. Cobbett] afterwards declared, that it was circulated throughout the country by order of government.

The *Chancellor of the Exchequer* wished

to know, if he could see the publication alluded to?

Mr. *Whitbread* said he had a copy of it, and the right hon. gentleman should have it in a few hours.

Mr. *Canning* begged to put a question to ministers, namely, at what time it was their intention to bring forward the subject of the renewal of the East India Company's Charter. This was a question of very general importance, and it was peculiarly desirable to those interested, that it should be known, whether it was or was not to be agitated previous to the Christmas recess.

Lord *Castlereagh* said, it certainly was not the intention of government to bring forward the question alluded to before Christmas. But, being a question of such importance, if government could come to an arrangement with the East India Company during the recess, it was their intention to bring forward the discussion at the earliest possible period after the recess.

The Report was then agreed to.

HOUSE OF LORDS.

Thursday, December 3.

PETITION AGAINST THE CATHOLIC CLAIMS FROM THE UNIVERSITY OF CAMBRIDGE.] The Bishop of *Bristol* requested the indulgence of the House whilst he said a few words relative to what had fallen from a noble earl (Hardwicke) on a former day, relative to the Petition from the University of Cambridge against the Catholic Claims, he (the bishop of Bristol) not having been in the House on the day alluded to. The right reverend prelate proceeded to state, that it was not usual in the University to give more than three days' notice of any measure intended to be brought forward; but in this instance, it being a measure of importance, six days' notice was given, a longer notice than he ever remembered in the University. He stated this to prove that the proceeding was not unfairly carried through, as alleged by the noble earl; the fact being, that the greater number of those who voted in the minority came from London in consequence of the notice that had been given. With respect to the insinuation as to the motives of those who formed the majority, that they were looking either to preferment or translation, he must leave it to the noble earl himself to consider, whether a mere difference of opinion called for such a charge.

The Earl of *Hardwicke* trusted, though he was aware it was irregular, that after what had fallen from the right rev. prelate, he should be permitted to trouble their lordships with a few words. He regretted that the learned prelate was not in the House, when the Petition from Cambridge against the Roman Catholic Claims was prepared by the illustrious person who was chancellor of the University, when he had felt it his duty to offer some observations to their lordships, which he was as ready to repeat in the presence of the right rev. prelate, as in his absence. In the first place, it was impossible for him to avoid stating, that considering the great public importance of the subject of the Petition, sufficient notice had not been given to admit of the attendance of any considerable number of the non-resident members. For all questions of a local nature, on which the resident members were certainly well qualified to decide, the notice described by the right rev. prelate as the usual notice, and which had probably been given upon this occasion, was perfectly sufficient; but whenever a question relating to matters of state policy was brought forward, it would be more consistent with fairness and candour to give that degree of notice which would admit of the attendance of the non-resident members of the senate, if they should think fit to give their opinions upon the subject; but he could not help saying, that the seldomer political questions were brought before the senate of the University, the better. With respect to what the right rev. prelate had said on the subject of motives, the noble earl observed, that what he had said was entirely of a general nature, and not applied to the conduct of any individual. The usage of the place did not admit of questions being discussed, or debated, before they were put to the vote; and, therefore, he could not help feeling that many persons might give their votes upon general grounds, without that knowledge and understanding of the question, which must in all cases render the decision more satisfactory to themselves as conscientious individuals, and at the same time give more weight to the opinions of a great public body.

The Bishop of *Bristol* repeated, that the notice given was unusually long.

The Marquis of *Lansdowne* contended that the notice was not sufficient, and observed that he himself, although only a day's journey from London, had not notice

of the intended proceeding in time to be present at the University on the day appointed for its consideration.

Lord *Holland* observed, that the Petition did not express the sense of the University; the non-resident members not having had sufficient notice.

VOTE OF THANKS TO THE MARQUIS OF WELLINGTON—VICTORY OF SALAMANCA.] Earl *Bathurst* rose, and addressed the House to the following purport: My lords, in rising to address this House upon a subject of Thanks to our gallant and distinguished general who gained the victory of Salamanca, I am confident there can be no no difference of opinion amongst your lordships, with respect to the motion I mean to propose. But before I submit this proposition, your lordships will, I trust, permit me to make a few observations upon the principles of military policy and motives which induced the marquis of Wellington to pursue those measures which eventually brought forth a victory, not only productive of fame to the commander, but of additional glory to the national character. In doing this I shall advance nothing of speculation, but confine myself to facts contained in documents already before your lordships and the public. When lord Wellington had planned the siege and reduction of Badajoz, his great mind suggested ulterior objects, which would ultimately affect the success of our cause in the peninsula. My lords, I am not disposed, at this time, to allude in any manner to the mode of conducting the campaign, further than to the ability with which the noble marquis has, at all times, and in all situations, employed the resources committed to his care. No general, my lords, was ever more careful of the troops entrusted to his command—no general ever more cautiously avoided the sacrifice of lives, when the object to be attained was not equal to the expenditure of so much blood. This disposition marks the career of his military success, and has been particularly manifested in the course of this campaign. From the documents I possess, and not those only which were transmitted after the effect was produced, but those which were written when the plan was conceived, the extent of his genius and the wisdom of his undertakings are most strongly designated and incontrovertibly proved. They likewise shew how much superior he was to those able generals against whom he had to contend, and that his conceptions were equally well calculated for the success of his own enprizes, as they were adapted to circumvent the enterprizes of the enemy. When his plan was formed for the reduction of Badajoz, of Ciudad Rodrigo, and Almeida, he had then determined upon raising the siege of Cadiz, and thereby compelling the French to evacuate Andalusia. My lords, these objects were the first in lord Wellington's consideration, and for important reasons which pressed themselves most forcibly upon his mind. From the very beginning of the campaign his operations pointed to the situation of the enemy in the south, and particularly to the principal army under Soult, as the capture of the invader's battering artillery at Ciudad Rodrigo rendered it impracticable to undertake any siege of consequence; or, at that season of the year, to advance into Portugal with any considerable force. In carrying on the siege of Cadiz, the government of Spain had long been confined within its walls, its power was become considerably restricted, its reputation among the people had been somewhat degraded, and its influence upon the Spanish dependencies materially lessened. To free the government from this confinement, and thereby to give new life to the energies of the Spanish nation, was one object of our general's forecast, and led to the measures which he afterwards pursued. For this purpose, after he had most ably contrived the mode of assault, which succeeded even beyond his own expectations, whereby Badajoz was taken, he had in the first instance determined upon marching into the province of Andalusia, and oblige the evacuation of that province by the French, which was another object for which he concerted his plans. At this period it occurred to him, that the possession of Andalusia was more important than that of the other provinces. The people had been for some time subject to the power of the enemy, and had gradually become less hostile to their presence, and some danger existed of their forgetting their connection with their legitimate government. To drive the French from the possession of such a province, would be more conducive to the promotion of the Spanish cause than to enter Castile. In Castile the enemy's army were differently situated: if they had troops stationed in a village, that village was obliged to be strongly fortified: and if the distance from one village to another was five or

six miles, such was the disposition of the Spanish people in that province, that the French were under the necessity of forming *redoubts, for the purpose of preventing their communication being intercepted.* These were lord Wellington's first intentions, and these were the measures he purposed to pursue; and although circumstances occurred which led him to change his plans, yet the object of them continued the same. General Marmont having come with an army from the north, and advanced upon the Agueda, soon called forth the attention of our general, and other circumstances having intervened, he was at length determined to change his intended course, and march into Castile. Marmont, in the mean time, used every endeavour, but in vain, to relieve the fortress of Almeida, and at length posted himself strongly upon the bridge of Almarez, by which means he endeavoured, not only to act in opposition to lord Wellington, but to effect a communication with the army of Soult. To your lordships is well known the promptitude and intrepidity with which the French were removed from that position, and the communications cut off between the army of Portugal and the army under Soult in the southern provinces. Indeed, my lords, such were the skill and management of the noble marquis during this period of the campaign, that no words which I can use would be adequate to represent their value. It afterwards happened that a correspondence between the French generals was intercepted, and the papers fell into our hands. From these letters we were made acquainted with their sentiments on this subject; and perhaps no greater eulogium could possibly be bestowed upon lord Wellington than was contained in their observations. From these it appeared that no movement of the enemy could disappoint his plans or controvert his projects; while on their part no movement was concerted but it was anticipated-tion expectation was raised but it ended hich he pointment—no fear was entertain t could became realized. In one of thes-tion of cepted letters it is said, "he must r tively correspondence, or he must dive int of hearts, for no sooner do we form a desm- than he knows it, and forms measures a defeat it." Nothing, my lords, coul equal the wisdom which marked all lord Wellington's movements previous to the battle of Salamanca. If we turn our attention to his manœuvres after Marmont approached the Douro, and the English were advanced to the Guerena, I cannot at this time refrain from noticing that disposition which has peculiarly distinguished the character of lord Wellington. Lord Wellington had a favourable opportunity of giving battle to Marmont, and he was confident the issue would have been successful; but he declined that opportunity, because he knew however brilliant the achievement, it would cost more lives than would be compensated by the object of victory. Let any one reflect on the different means which he used for two days, to circumvent all the schemes of the French general. The policy that each was pursuing became distinctly different, on account of the effect they endeavoured to produce. Marmont was anxious to bring the English to a general engagement, upon ground not actually unfavourable. Lord Wellington, on the other hand, wished to avoid an engagement, unless he could commence it under favourable circumstances.—The noble earl then took a view of the operations of the contending armies immediately previous to the battle of Salamanca, and particularly adverted to the skill and gallantry displayed by sir Thomas Graham in executing one of the orders of his illustrious chief—an achievement which was performed within sight of the hostile armies. The object of gaining that post furnished another striking proof of the uniform unwillingness of our illustrious commander to commit the general safety of his armies, or unnecessarily to risque the lives of his soldiers. His lordship then noticed the circumstances of Marmont's receiving reinforcements from the northern army, and panegyrised the able retreat of the British commander, in consequence, without loss, and in such a way, as enabled the allied force in that quarter to form a junction. The manner in which lord Wellington passed the Tormes, and afterwards drew up in front of Marmont, who was extending his left to cut off his opponent from communicating with Salamanca and Ciudad Rodrigo, was a bril- was and admirable military manœuvre. and w situation it was not lord Welling- thought ention to engage; and it was so, it was n policy to drive him to that other honou Lord Wellington cautiously the marqu operations which were at- could have intercept him on one side, and conferring su battle on the other, and at have been rem he was not remiss in wait-

ing for an opportunity of advantage, whence the retreat he had hitherto conducted might suddenly be changed into a contest for victory. Consider, my lords, what must have been the sensations and anxious reflections of this general at the time; these must have been moments of rack to his deliberative genius, when deciding upon the mode of action which should best tend to the success of his country's cause. Marmont, after gaining the heights opposite to those maintained by the marquis, suddenly weakened his left by the extension of his line, and no sooner was the error perceived by the brave and gallant general, than he exclaimed, "Now I have you." The felicitous, the long sought moment where a fair prospect of success presented itself, was instantaneously seized by the illustrious chief, and improved and followed up to a brilliant result of victory almost unprecedented in the annals of the country. The onset was made, the left of Marmont's army was completely turned, and the victory became decisive. Nothing shewed more the vast extent and range of his mind, or its scientific adroitness, than the ability which appeared at the time of seizing a favourable moment for disposing an army for immediate and decisive action, which but a few minutes before was prepared for retreat!—The noble earl proceeded to pass high encomiums upon general Le Marchant, who, very unfortunately for the service, fell in the battle, and also upon general Cotton, who distinguished himself on that occasion. "Not only," said earl Bathurst, "had the noble marquis immortalized himself in an action like this, so transcendent and brilliant, but under all circumstances his mind has ever discovered itself capable of executing every project suitably to the reverses and the changes of affairs. The events which have now come to our knowledge, will, I am persuaded, afford equal proofs of his military foresight and conception.—My lords, I am not disposed to trespass longer upon your attention; there is no[illegible] thing I can say will sufficiently speak [illegible] praises due to the marquis of Wellin[illegible] whose fame in all those accomplis[illegible]ed, which constitute a consumm[illegible] the [illegible]mander was established long [illegible]his ge[illegible] brilliant achievement of Sala[illegible]rtakings I offer no panegyric in con[illegible]d incon[illegible] this hero, attribute it not [illegible]ise shew anxious zeal, but to a co[illegible] those able inability to perform the [illegible]o contend, longs to those who are possessed of eloquence. Eulogium, my lords, when not chastened by the powers of eloquence and the judiciousness of taste, becomes unseemly and inflated, and induces a degrading representation of that character which it was intended to praise and recommend."—The noble earl concluded by moving, "That the Thanks of this House be given to Arthur, marquis of Wellington, K. B. for the great and unparalleled skill, gallantry, and conduct displayed by him in the command of the allied troops in Spain, during the whole of the late campaign. But more especially for the achievement of the signal and brilliant Victory over the French army under marshal Marmont at Salamanca, on the 22d of July last, thereby reflecting additional lustre on the British military character."

The Marquis of *Lansdowne* said, it was with great and sincere satisfaction he had listened to the just, glowing, and eloquent eulogium which the noble earl had, from his heart, pronounced upon the illustrious subject of the present motion. No person who had the honour to be connected with the family of that illustrious individual who was at the head of our army on the peninsula, could be more anxious to support the proposition now submitted to their lordships than he was. That anxiety was not diminished by the recent unfavourable events which had taken place; for he perfectly agreed with the noble earl, that those circumstances in no degree tarnished or diminished the splendid military fame and character of the noble and gallant marquis, and ought to make no alteration as far as regarded the present proposition. The question was not now, as it was on a former night, and might be at a future period, whether the general had been supplied by the government with proper means and resources? the question now was, whether the means with which the gene[illegible]l had been entrusted, had been wi[illegible] skilfully, and successfully, as far [illegible]umstances would permit, applied [illegible] public service?[*] Though unwilling [illegible] these topics with the present [illegible] yet this much he might be permitted [illegible]ay, that if there were any persons who [illegible]d seen the difficulties of the war in the [illegible]eninsula in a stronger light than others,—who thought the means of carrying it on were very imperfect,—and who, though admiring the patriotism of the Spanish people, yet feared that the organization, civil and military, in that country, was

not such as afforded security for effectual co-operation,—the greater they felt these difficulties to be, in that proportion must be their admiration of the talents of the general who had met, and, in many instances, gloriously surmounted them. The campaign, indeed, must be characterized as one of various fortune: yet out of this very circumstance, there arose a display of military talents in the commander which would not otherwise have appeared. It was rendered evident that, whether the general pursued the triumphs gained by himself, or experienced disappointment from extraneous circumstances, he was no less capable, by his rare talents, of alleviating misfortune, than of improving success. In reviewing the military transactions on the peninsula for the last three years, if he were qualified to decide at all on the subject, those which he would rest upon with the highest admiration, would be such as occurred under the circumstances when lord Wellington was forced to retreat before a superior force of the enemy. However unfavourable the circumstances, he had always, on these occasions, preserved his army and its resources entire, and fit for attack when the proper moment for attack should arrive. In these circumstances, his great mind shone more eminently conspicuous in availing himself of the difficult circumstances of the country for the protection of a retreating army, and for maintaining his communications with his resources. Such was the retreat of the marquis of Wellington to his lines at Torres Vedras,—such was his retreat before the battle of Salamanca,—a retreat converted in a moment into a brilliant victory, where a superior enemy was checked, and forced to retrace his steps. Such, too, was the present retreat to the frontiers of Portugal,—all of them evincing the greatest military genius in the commander.—Having said thus much as to the merits of the marquis of Wellington, there was another subject of congratulation to their lordships and the country, which he wished to touch upon, although it could not well be embodied in any resolution of that House. No man who had attentively watched the conduct of the marquis of Wellington and the officers under his command, could fail to have observed, that a military school existed in the peninsula, in which a race of officers were forming, on whom the country might rely with confidence in the future military career, which in all probability it had yet to run. Such a school could not, indeed, be formed without great sacrifices; such, for instance, as those which were made in the siege of Burgos, where, besides regret for the failure of the object, one could not help feeling an additional pang at the fall of so many brave officers, and especially of colonel Somers, who, if he had lived, promised to have added to the other glories of that illustrious name, that of the highest military fame and glory. Notwithstanding such losses, many officers must be formed by the marquis of Wellington, who, having the advantage not only of his instructions, but of his example before them, must be capable of rendering the highest services to their country. He thought it right to advert to this circumstance, as it appeared to be a favourite object with the marquis of Wellington, who, in the intervals of war, kept several of the officers about him, who had thus an opportunity of improving themselves by his instruction and example, in military science.—There was still another point connected with this, to which he was desirous of calling their lordships' attention. No person who heard him would think that he was disposed to censure the advice given to his royal highness the Prince Regent, to advance the marquis of Wellington in the peerage after the battle of Salamanca: but he did think that there then existed an opportunity of granting to the marquis of Wellington promotion of a different nature, more appropriate and congenial with the service to which he was devoted; and, therefore, likely to be more useful to his country. If that promotion had been conferred, it would no doubt have met with the applause of the country and of the army; and it would have been approved by none, more than by the many gallant generals, who, by such a measure, would have been enabled to share his glory. While we were urging the Spaniards to give way in every punctilio, and to think only of the best means of promoting the great cause in which they were engaged, it would have been wise in us to have shewn them the example. Such was the feeling which he had at the time, and which he still had; and therefore he thought it right to state it: but in doing so, it was not his intention to object to any other honours which were conferred on the marquis of Wellington. If any doubt could have existed as to the propriety of conferring such honours, that doubt must have been removed by the review taken

by the noble earl opposite, of the great talents displayed by the marquis, in every situation where the exertion of great talents was required. The marquis of Wellington had, in reality, distinguished himself for the judgment and temper with which he conducted himself in regard to the government of Spain, no less than by his military genius and [illegible].

Lord *Somers* cordially agreed with the motion then before their lordships, and was most anxious to add his tribute of applause to the merits of the great officer in question, which were so ably and justly eulogized by the noble earl who opened the discussion. He gave his testimony to the transcendent abilities of lord Wellington, not only from a sense of public duty, but he was influenced in doing it by his own particular obligation to that excellent general. He could tell their lordships, that while his great mind seemed to be wholly taken up with the important cares of his situation, he bestowed an attention almost inconceivable, upon the comforts and conveniencies of those under his command. Whether they were suffering from fatigue, from sickness, or from privations, they were equally the objects of his solicitude. For himself, he knew that to a dear relative of his (major Somers) whose constitution was fast sinking under the severe duties of his station, his parental kindness was such, that it preserved a life which else had been yielded soon after the battle of Salamanca, nor prolonged till that period when he laid it down for his country; in a manner which gave him a melancholy pride in saying his son had so died. In alluding thus particularly to his own relation, he was far from meaning to insinuate that his was a single case; lord Wellington's kindness extended to all alike; but he thought it his duty thus to express his peculiar obligation to him. There never was, indeed, a general, as had been justly mentioned by the noble lord opposite, who was less disposed to sacrifice the lives of his men for the acquisition of mere personal glory; but when the services of his king and country required it, never did any one display more ardour, intrepidity, and gallantry. His soldiers knew this, and combining that knowledge with his resplendent talents, what a confidence, he maintained, must it tend to excite throughout the whole army; a confidence highly advantageous to the cause in which we were engaged. He therefore cordially approved of the motion.

His Royal Highness the Duke of Clarence, seeing only one man belonging to his Majesty's navy in the House, except himself, thought himself called upon, under these circumstances, to offer his tribute of applause to the marquis of Wellington, and the brave army under his command. He had always wished that our men should have an opportunity of distinguishing themselves by land as well as by sea, in order to shew the world that they were the same on both elements. From the moment that lord Wellington went to Spain they had had that opportunity, and the result was, that they surpassed all the actions recorded in the military annals of this, or any other country, within the memory of man. The difficulties which the duke of Marlborough had to contend with, were nothing compared with those against which the marquis of Wellington had to struggle. The duke of Marlborough was then the favourite of the court, and had means amply supplied him, and great diversions made in his favour. The marquis of Wellington, except during the short stand made by Austria, and the present effort by Russia, had always had almost the whole of the enormous power of France to oppose in the field. It must afford the highest satisfaction to the country that the army had such a commander as the marquis of Wellington, both on account of his own great talents, and the example which he furnished to others. He had done what had never been equalled, except, perhaps, in the Roman History. After so much had been said on this subject by others, he did not feel himself called upon to say any thing farther, than that he fully acknowledged the merits of the marquis of Wellington, and gave his hearty assent to the proposition submitted to their lordships.

Marquis *Wellesley* felt proud and gratified by all that occurred in the course of the present debate. He should not now intrude on their lordships at any length,—he should not have intruded on them at all, but from the natural wish to give the tribute of a brother's feelings to a brother's praise. The noble earl had said, that only the highest powers of eloquence, chastened by the purest taste, could aspire to an adequate eulogy of his great talents, but he could assure the noble earl, that at the very moment when he disclaimed his own power to pronounce such an eulogy, he had, in fact, discharged it in a manner honourable to himself, honourable to the coun-

try, and in the highest degree just to the exalted object of it. He would offer no apology to their lordships for presenting himself to them on the present occasion; he was satisfied they all felt nearly the same sentiments as himself; for, (if he might use so bold an expression) they were all attached to the noble general by blood; they all, perhaps, had relations under his command, and they had heard the testimony of a father's heart as to the parental tenderness shewn by lord Wellington to the flower of the British army. If the merits of the great general could have a higher and more eloquent eulogium than that pronounced by the noble Secretary of State, it would be that bestowed by the noble peer (lord Somers) near him. There could have been but one feeling in the House, when that noble person spoke. His praise of the British general was most valuable. He spoke like a patriot. He had sustained a deep and bitter loss,—but he had sustained it with the honourable and manly feeling of one who had given up a dear son for his country. That noble lord had praised the humanity and almost parental kindness of lord Wellington to his officers:—he bestowed a panegyric above all other. On the general subject of the motion, it could scarcely be supposed, that he (lord Wellesley) should offer any objections. One thing only he had to observe: the noble Secretary had alluded to the display of the British general's talents in the pressure of retreat. For my part, said marquis Wellesley, if I were called on to give my impartial testimony of the merits of your great general, I confess, before Heaven, I would not select his victories, brilliant as they have been; I should mention the very circumstances (though unfortunate in some particulars) which your lordships have seen recorded this day—I would go to the moments when difficulties pressed and crowded upon him,—when he had but the choice of extremities,—when he was overhung by superior strength. It is to his retreats that I would go for the proudest and most undoubted evidence of his ability. It is not my intention to dilate upon these matters,—there is but one feeling with respect to them among us. The speech of the noble mover was sufficient; but, if its chasteness, tastefulness, and truth could have a want, it was more than compensated by the admirable speech of the noble marquis who had followed him in the debate.

The *Lord Chancellor* then proposed the motion from the woolsack, which was agreed to *nem. diss.*

HOUSE OF COMMONS.

Thursday, December 3.

THE PRINCE REGENT'S ANSWER TO THE ADDRESS.] The Speaker reported to the House, that the House attended his royal highness the Prince Regent yesterday with their Address; to which his Royal Highness was pleased to give this most gracious Answer:

"Gentlemen;

"I thank you for this loyal Address. Your warm and affectionate expressions respecting his Majesty are peculiarly grateful to my feelings.

"It affords me the utmost satisfaction to find that you concur with me in the representation I have laid before you respecting the state of the contest in which we are engaged, and that you cordially rejoice with me in the improved prospects which have resulted to this country and to Europe, as well from the brilliant achievements of his Majesty's forces and those of his allies in the peninsula as from the heroic exertions of Russia in the north.

"From your determination to give a firm and generous support to the great cause in which his Majesty and his allies are engaged, I derive a confident hope that all the efforts of our enemies will be finally frustrated, and the security of the British dominions established by a solid and honourable peace."

WEYMOUTH AND MELCOMBE REGIS ELECTION—PETITION OF VOTERS.] A Petition of John Herbert Browne, of Weymouth and Melcombe Regis, in the county of Dorset, esq.; Edward Balston, of Winterborne St. Martin, in the said county of Dorset, esq., and Robert Penny the younger, of Warwick Court, in the city of Westminster, gentleman, who claimed a right to vote, and did vote at the last election for the borough and town of Weymouth and Melcombe Regis, was delivered in and read; setting forth,

"That, at the last election for members to serve for the said borough and town, sir John Murray, bart., the right hon. Thomas Wallace, John Broadhurst, Henry Trail, William Williams, and Richard Augustus Tucker Steward, esquires, were candidates, when the said sir J. Murray, T. Wallace, J. Broadhurst, and H. Trail,

were returned as members to serve in parliament for the borough and town; that the poll upon the said election commenced upon the 10th of October, 1812, and ended on the 27th of the said month; that William Weston esq., the mayor and returning officer for the same, received divers illegal votes in favour of the said T. Wallace, J. Broadhurst, and H. Trail, and refused divers legal votes tendered in favour of the said W. Williams and R. A. T. Steward; and that, at the said election, the said W. Weston did, during the first twelve days of the poll, indifferently receive the different voters for the several candidates as they presented themselves at the poll; that at the close of the poll, on the said twelfth day, there was an illegal majority of votes in favour of the members returned to serve in parliament; that many voters during the poll on the thirteenth day attended for the purpose of giving their votes in behalf of the said W. Williams and R. A. T. Steward; and the said W. Weston, contrary to his duty as returning officer, and in defiance of the rights of the electors of Weymouth and Melcombe Regis aforesaid, would not permit them to give their votes as they presented themselves to him for that purpose, but insisted that a voter should be permitted to vote for the said sir J. Murray, T. Wallace, J. Broadhurst, and H. Trail, and that a voter should be permitted to vote for the said W. Williams and R. A. T. Steward in regular order and successively, thereby preventing many persons, who had a right to vote, from giving their votes to the said W. Williams and R. A. T. Steward, which they would otherwise have done; that the said W. Weston did, on the said thirteenth and following days, refuse to receive several votes for the said W. Williams and R. A. T. Steward, the same being tendered after a former vote for them, and waited for long spaces of time until the agents for the said sir J. Murray, T. Wallace, J. Broadhurst, and H. Trail procured votes for them; that, in consequence of such conduct, large numbers of votes were wholly lost to the said W. Williams and R. A. T. Steward, and the voters were prevented from exercising their elective franchise; that the conduct of the returning officer was, in many other respects, partial and illegal; and that, before and at the last election, several peers of parliament illegally interfered in the said election, in order to procure the return of the said T. Wallace, J. Broadhurst, and H. Trail, contrary to the resolution of this House, and in direct violation of the laws and constitution of the realm; and that, before and at the said election, divers persons, holding offices under the crown, did, by themselves and their agents, interfere in the said election, in order to procure the return of the said T. Wallace, J. Broadhurst, and H. Trail, contrary to the established law of the land, and in direct violation of the privileges of this House; and that the said T. Wallace, J. Broadhurst, and H. Trail, by themselves and himself, their and his agents, did, after the teste and issuing out of the writ of election, and before and at the said election, give to persons claiming a right to vote, and voting at the said election, meat and drink, and also make other presents, gifts and rewards to such persons, in order that the said T. Wallace, J. Broadhurst, and H. Trail, might be returned to serve in parliament for the said borough and town, contrary to and in defiance of the standing order of this House, and contrary to the statute in that case made and provided; and that the said T. Wallace, J. Broadhurst, and H. Trail, by themselves and himself, their and his agents, did, after the teste and issuing out of the said writ of election, give and advance to persons having vote in such election, divers sums of money, in order to be returned as aforesaid, contrary to law and the constitution of the realm; and that certain persons, not being qualified to vote at the said election, claimed to vote, and were permitted to vote at the said election by the said W. Weston, in prejudice of the legal voters of the said borough and town, and contrary to the rights of the said borough and town; and that, at the said election, the said W. Williams and R. A. T. Steward had a majority of legal votes on the poll, and ought to have been returned; and praying, that the House will take the premises into their consideration, and grant the petitioners such relief as to the House shall seem meet."

Ordered to be taken into consideration upon the 9th of February next.

BATH ELECTION—PETITION OF MR. ALLEN AND MR. COLLETON.] A Petition of John Allen, of the city of Bath, and of Samuel Colleton Graves, of Hembury Fort, in the county of Devon, esquires, was delivered in and read; setting forth,

"That at the last election of two citizens to represent the city of Bath in this

present parliament, the petitioners; the right hon. John Thynne esq. commonly called lord John Thynne, and Charles Palmer, esq. were candidates; and that the notice of the said election was not in pursuance to the sheriff's precept, and that Joseph Phillott, the then mayor and returning officer, acted with gross partiality, and refused to admit the petitioners as candidates, though duly qualified by law to be so, and legally proposed at the said election; and that the said Joseph Phillott, the returning officer, with 21 others, self-appointed, claiming to be freemen, were exclusively proceeding to elect two members of parliament in the Guildhall, the doors of which were closed on the freemen and citizens of the said city, at the hour appointed for the election to commence, being also guarded by above 30 ruffians called bludgeon-men, who were protected in all their gross outrages and violence on the freemen and citizens of the said city, contrary to the freedom of election, the express law of the land, and the privileges of the House, and so continued till the Guildhall was thrown open with some violence from without; and that the Durham Act was not read, though repeatedly required; and that on trivial pretences, and without any justifiable reason, a large military force was introduced into the said city, during the election, to disperse a portion of the freemen legally assembled, and to prevent the exercise of their elective franchise contrary to their rights and the privileges of the House; and that the said Joseph Phillott, as returning officer, refused to admit a majority of the freemen of the said city to vote for the petitioners, and admitted to vote at the said election only 22 persons, styling themselves the mayor, aldermen, common council and freemen of the city of Bath, most of whom have been illegally admitted to the freedom of the said city, and most of whom are also honorary freemen not qualified to vote, thereby giving to 22 self-appointed individuals the exclusive right of choosing two representatives for a city containing a population of 35,000 persons, and excluding the whole body of the freemen who have legally and constitutionally obtained the right of freedom in the said city, and who have voted in the election of members to represent the city of Bath in parliament from time immemorial, till they were illegally deprived of the same by the admission of a new order of persons styling themselves freemen, who purchase the same at 250*l.* each, and which sum is never accounted for to the legal freemen, though they are entitled to partake of the receipts of the estates belonging to the freemen of the said city, and that the right of electing two members to represent the city of Bath has been usurped by 30 individuals, many of whom do not ever reside in the said city, and others hold sinecure places and pensions to a great amount in the court of Exchequer, Lottery Office, Stamp Office, and other situations under government, and that the said Joseph Phillott, as mayor and returning officer, refused to admit a majority of legal votes who desired to vote for the petitioners, and received others who had not been duly admitted to their freedom to vote for the sitting members, whereby a colourable majority was obtained for lord John Thynne and Charles Palmer esq., who were not duly qualified to represent the said city as the law directs; and praying such relief as to the House shall appear meet."

Ordered to be taken into consideration upon the 11th of February next.

VOTE OF THANKS TO THE MARQUIS OF WELLINGTON — VICTORY OF SALAMANCA.] Lord *Castlereagh* rose, pursuant to the notice he had given on a former day, to call the attention of the House to the services rendered to their country by that gallant officer, general the marquis of Wellington, and the brave army under his command during the last campaign in Spain, and particularly to those by which they had signalised themselves in the glorious and ever-memorable battle of Salamanca. He was sure he should forget his duty to the House, the country, and to that illustrious officer and his army, if on this occasion he were to introduce into the discussion any matter that might cause a controversial feeling respecting the policy of the war in the peninsula, and more especially if he were to offer any thing respecting the conduct of his Majesty's ministers in connection with the subject of the motion he was about to submit to the House. Any charges that might be preferred against them for the mode in which that war had been conducted, they would be happy to meet on a future day. On this, they hoped it would not be necessary, as it was their wish to bring forward nothing that might divide the feelings of the House and the public, and abstract them from that subject, on which all de-

lighted to dwell with admiration and gratitude. At the same time, however, while he wished to guard against the introduction of any matter on which a difference of opinion might exist; he thought it would not be just to the army, and more particularly, he thought, it would not be just to the marquis of Wellington, if he were to confine himself to the feelings excited by that great transaction, considered as an insulated affair, brilliant as it was in itself, and great and glorious as it was,—and a more glorious action had never adorned the annals of this or any other great military power: for he was proud to say, this country had become a great military power, though formerly looked to principally as a naval one by the other nations of Europe. But still he contended, it would be to let down and to undervalue the victory of Salamanca, if it were to be brought before the House unconnected with other considerations, and not as it stood, connected on the grand scale of the military operations of which it formed so pre-eminent a part. This was not a victory which had been thrown in the way of lord Wellington, which he had been able to accomplish, and gloriously accomplish, on the instant; but it was a transaction which wound up a military object, the result of long preparation and of foresight, in which the application of just principles was so interwoven with various circumstances, that he should fail in his duty to the army, and to the marquis of Wellington, if he were not shortly and generally to describe the causes which had led to the Victory of Salamanca, and its consequent advantages. The House would recollect, that at the close of the former, and at the commencement of the present campaign, lord Wellington, after dispossessing Massena of Portugal, had made himself master of Almeida, but Ciudad Rodrigo and Badajoz were still in the hands of the enemy. Both armies had retired into winter quarters, and remained for some time in inactivity on account of the season; but such vigorous preparations for renewing hostilities were made by the marquis of Wellington so early as January, (a period at which, even in that clime, armies have seldom been occupied in preparing to take the field) that in that month he was enabled to lay siege to Ciudad Rodrigo. Nothing higher to the praise of the marquis of Wellington could be said, than that he had completed his preparations for this operation with such activity and secrecy, that he was enabled to reduce this fortress (which was one of a most respectable decription) before marshal Marmont was able to call his troops from their winter cantonments, and advance further than Salamanca. Lord Wellington having got possession of Ciudad Rodrigo, meditated an advance on Badajoz, and his arrangements consequent on this design were made with so much expedition and secrecy, that marshal Marmont believed the English army to be still at Ciudad Rodrigo, when seven of eight divisions had arrived at Badajoz. He attacked this fortress, which was stronger and of more importance than that of Ciudad Rodrigo, early in the month of March, and carried on the works with such vigour and alacrity, that the French armies of the north and of Portugal, under Soult and Marmont, were unable to relieve it, and it was even confessed by Soult, an officer of great ability, in explaining to the war minister of France the causes of the loss of Badajoz—it was admitted in his dispatches to Berthier, which were intercepted, that lord Wellington had taken Badajoz in the face of two armies, each of which in strength was equal to his own. It was stated by Soult that the army under lord Wellington was not superior to that under his command, nor to that commanded by Marmont; but he stated the difficulty of assembling troops to be so great, and the rapidity of lord Wellington's movements to be so extraordinary (an admission most honourable to the gallant marquis, more particularly as it came from an enemy), his operations carried on with such celerity, the siege pressed with such vigour, and the assault made with such gallantry, as to exceed all his calculations: so that he had only reached Albuera with his army, on his way to relieve the fortress, when he received intelligence that it had fallen. These services then, it would be seen, lord Wellington had accomplished under circumstances of great difficulty. He had taken two important fortresses, in the presence of two armies, respectively equal in numbers to his own, and in such a way as to extort from the French commanders an acknowledgment, that all their preparations were rendered useless, and all their efforts foiled. Lord Wellington having done these services, which of themselves would have appeared most splendid in the career of an individual less illustrious than himself, and completed that task which had been the glorious ob-

ject of a former campaign, and expelled the enemy from the country of an ally always wound up in the interest and affections of England—Portugal. After this he had still a great object before him; it was for him to direct his force so as to effect what he might be capable of doing for the interest of Spain, with a view to repel the invading army. Lord Wellington had now to compare his army with that of the enemy, and to deliberate on what would be the probable result of the campaign. Though the army under him was certainly both respectable and important, yet when he compared it with the means of the enemy, a very grave prospect appeared before him, and he certainly could not flatter himself with a result like that which had crowned his measures. The French armies were so strong, though the successes of lord Wellington had caused their strength to be frequently under-rated in this country, and indeed by the world at large; that the gallant marquis did not expect to be enabled with his means to drive them out of Spain, (as many sanguine persons did), but he felt that he might force them to abandon the military hold they had at that time; that grasp of the country, on which alone the French must ground their hopes of ultimate success. These, unless they could now retain, he would venture to say they were farther off the consummation of their hopes, than at any period of the four years during which the war had been continued in the peninsula. He would repeat it, unless the moral subjugation of the people could be effected, which the military possession of the country could alone secure, the French were further from the end they had in view than at any period of the last four years. The noble lord did not look at that time to the complete expulsion of the enemy from Spain, and this he distinctly stated in his communications with his government; he (lord Castlereagh) did not speak of what he might have written to individuals; but to those under whom he served, the language of lord Wellington was this: "If I can reduce the two fortresses (Ciudad Rodrigo and Badajoz), and place Portugal under their protection, my next operation shall be directed to the south of Spain, to deprive the enemy of the resources they possess in Seville; or if I oblige them to collect an army to defend them, I shall then compel them to raise the siege of Cadiz. If from Badajoz I can advance into Andalusia, this will be my object." When lord Wellington had reduced Badajos, in consequence, certainly, of a circumstance for which he was not responsible, the delay on the part of the Spaniards to revictual Ciudad Rodrigo, he was obliged to march to protect that fortress, and secure that interesting frontier of Portugal. The noble lord afterwards stated, that he did not altogether regret that circumstances had caused him to direct an operation in the north instead of the south, as he had intended; and he hoped, as he found himself at the head of an army to which he could look with confidence for success in an action with Marmont, he might in that quarter, more particularly if Castile were thrown open, be able to do that which would deliver Andalusia more completely than if, as he had first intended after the capture of Badajoz, he had advanced against the French in that province itself. The climate also he found more favourable to his soldiers, and he advanced with a perfect confidence in the moral qualities and physical force of his army. He (lord C.) begged the House to bear this in mind. Lord Wellington did make an irruption into Castile. He drove the French from Salamanca, and advanced upon the line of the Douro. Though at the commencement of these operations, his army was such that he could court a general action with Marmont, when he arrived upon the line of the Douro, this was no longer the case. The French, as was their practice, sacrificed all the hold they had of the country, by withdrawing their troops from the several fortresses they had previously occupied, to make head against lord Wellington. Before the battle of Salamanca, Marmont was reinforced from Leon and Estremadura, from the army of Caffarelli, and from the army of Madrid. From that moment lord Wellington said, "I am not prepared to risk a general battle, unless I find that upon military grounds I engage you with a prospect of success." This lord Wellington laid down as the principle on which he would act—a principle in every respect correct, and consistent with his genius. It was not for us to court general engagements in the abstract. The French might wish to do so; but lord Wellington felt, that while he remained in Spain with such an army, the country never could be conquered; and it was his object to make the French abandon all but the ground on which they

stood, till he found them in such a situation as would enable him to turn it to their discomfiture and defeat. Upon these principles he acted up to the battle of Salamanca, and when the French crossed the Douro, (an opportunity of which lord Wellington could not deprive them from being in possession of the fords and bridges, so that it was impossible for him, with an inferior army, to make the Douro a military position,) he then retreated; but his retreat was made on this principle.—"If you give me an advantage, I will attack you, but otherwise I will not put to the risk of a single battle the cause of the peninsula, which may ultimately triumph without such a sacrifice." And what was the result of this determination? It led to that great action, which not only filled the nation with gratitude, but inspirited other countries to oppose the aggressions of France—an action, of which it was justly said, on a former evening, that, in the history of all the battles which the campaign in Spain, or in any other country, presented, there was none which could be less imputed to chance than the battle of Salamanca. It was not one, the armies engaged in which met but the hour before they engaged, and decided the struggle by force of arms unaided by policy; but it was a battle fought between two great armies (for they both were great) nearly equal in numbers, though a superiority was certainly on the side of the enemy, after looking at each other, and not only looking at each other, but watching, manœuvring in each others presence for an advantageous opportunity of attack, from the 16th of July to the 22d of that month, the day on which the glorious and ever-memorable battle of Salamanca was fought.—Without going into the detail, which he thought unnecessary, as every Englishman must be familiar with it, from having read the Gazette with the highest interest and delight over and over again; he would repeat that this was a victory achieved after manœuvres the most complicated, where two armies were long in sight of each other, each observing what the other did, and trying, by every effort of military skill, to take advantage of any errors that might occur. The greatness of his mind was the admiration of all Europe. In him was seen a general not tenacious of what might be said by his enemies, not putting to risk his army to maintain a particular position, but saying to himself and to his government, "I will even do that which must at all times be painful to a commander, I will retreat before the enemy. I will even retreat to Ciudad Rodrigo, rather than give any advantage to the enemy; but if, in the course of my retreat, I can take any opportunity of attacking him with a prospect of success;—if his weakness, or my address, should enable me to take any advantage of him, without committing my own army, without committing my country, and above all without commiting that great interest entrusted to my care, then will I revenge the crimes by which France has disgraced herself; and attacking the enemy with that spirit and firmness which belongs to my nature, make him feel what my countrymen are capable of effecting in such a cause."—Such had been the object, and such was the language of our illustrious commander; and the proud and ever-memorable victory of Salamanca grew out of this resolution. He asked the House, whether he had not faithfully performed the promised object, by a battle, than which there was never one fought more nobly, or with more advantage to the common cause? Twenty thousand men had been put *hors de combat*; and the advantage would have been still greater, had not night, and the force of nature, interfered to prevent all those results which were aspired after. The loss of the French army in the fight, and through the consequences which naturally resulted from it, could not be estimated at less than the above number. He contended, that the plan of campaign, as originally conceived by lord Wellington, (which did not aspire to effect the total expulsion of the enemy, whose expulsion, on military principles, was not to be expected, even from a victory glorious as that of Salamanca) had been perfectly realized. The object of lord Wellington's operations in the north was to force the enemy to quit his hold of the country in the south, and to do that which the French officers were instructed by their government never to do, if it could by possibility be avoided, namely, to raise the siege of Cadiz. The French government was afraid of the moral effects of their raising the siege of Cadiz, and hence these orders; as they believed that while they appeared in strength before Cadiz, the world would give them credit for being strong in Spain. He put it to the House, then, if the operations of lord Wellington had not compelled the enemy to abandon the siege of Cadiz,

the whole of Andalusia, and left them without any force to the westward of Alicant. What was the situation of Spain at present? Lord Wellington had said, that but for one unfortunate circumstance the success of the campaign would have been certain. Success would have been certain, had not the French collected the whole of their disposable force, amounting to not less than 70 or 80,000 men, upon the Tormes, and compelled lord Wellington prudentially to make a retreat, a retreat which was more like the prelude to a victory than a proof of disaster. The enemy had only been enabled to compel him to retreat by an abdication of every military principle which had regulated their conduct before. If Madrid had been a position of military importance, which it was not, the case would have been materially different from what it at present appeared. Lord Wellington had not taken possession of it as a military position, nor had he advanced upon it for the vain glory of taking the enemy's capital, he did nothing for mere parade—he went there on this principle; he knew that unless by advancing he threw a large force on the flank of Soult, he could not make that general do what was really the object of his operations—raise the siege of Cadiz, while Andalusia and the southern provinces of Spain were delivered from the enemy. What, too, was the result of these operations? The French, in consequence, did abandon Cadiz; they had since abandoned Madrid, and thus had lost the moral conquest of Spain. They were obliged to evacuate the capital in their turns as well as us, and were now only in possession of the ground on which they stood, and as far as ever from effecting the military or moral subjugation of the country. And, he should be glad to know a position in which a French army could be placed, less useful to themselves or less prejudicial to the interests of Europe? But if they were to measure the influence of the victory of Salamanca only by what it had produced in Spain, he would say, their estimate of its value would be most unfair, most unwise, most untrue, in the circumstances in which Europe was at present placed. Did the House imagine that that spirit of resistance which grew out of that House, or rather out of that people they represented in that House, (for he should like to know what ministers could have retained their situations in this country, who at such a period had not obeyed the universal impulse and turned their backs on the exertions of Spain) did they think that that spirit had nothing to do with that which had recently manifested itself in another part of the world? Even the retreat of lord Wellington to Torres Vedras had been of service to that power which now, awakened to a sense of its own strength, had resisted and chastised the power of France, and from which so much might be augured for Europe. But with Russia, the hopes excited by the Spanish resistance did not end: beginning at the extremity, it was to be hoped its influence would extend further into Europe—to those powers which now, indeed, appeared to form a part of the strength of France, but which, in fact, were only unnaturally connected with her, he meant the whole power of Germany. Such were the effects resulting from this battle; and which the House might justly trace to itself, as well as to its brave army, and its distinguished general. Did the House know that the character of the great battle of Borodino, for it was a great battle, was partly caused by lord Wellington; a battle greater than that of Eylau, greater than that of Aspern, and that in which the power of France had received one of the severest checks it had ever received. In that great battle, in which 70 or 80,000 men laid down their lives, it was consoling to know that prince Kutusoff had it in his power, on the morning of that day, to animate his troops by telling them of the glory gained by the English on the plains of Salamanca.—Did not the House feel that it must be most animating to the Russian army to know that the marquis of Wellington had at Salamanca completely routed the French army? To be told, that if they stood to the enemy like Englishmen, they would achieve as great a triumph, and as great a triumph they did achieve? For, though from various circumstances it was found impossible to follow up that victory, still it was a victory, than which a prouder triumph never was obtained by the forces of any country.—In that action, that distinguished general prince Bagration, whose loss we had since to deplore, with 30,000 men, repelled the whole military power of France directed to one point. But it was not at Borodino only that lord Wellington had served the cause of Russia by the influence of his actions, and where the moral effects of his victory were found—they pervaded the whole Russian empire. Russia had been assisted by his military

councils. The principle on which Russia had acted on the opening of the campaign was that which was recommended by the marquis of Wellington. He had said, if Russia adopted that system she was safe. It was on that principle that he had formerly defended Portugal; so that Russia might be supposed to have derived equal benefit from his councils and example. At the moment the French had taken Moscow, it was some consolation to our allies to know that lord Wellington, by pursuing a plan similar to that on which they were acting, had taken Madrid; and what was more, that he had forced the enemy to give up that which, for more than two years, they had anxiously carried on—the siege of Cadiz. It was immediately subsequent to their receiving intelligence of this, that Murat met with that defeat which sealed the necessity of Buonaparté's retreat from Moscow. The effects, then, of the battle of Salamanca were to be traced not only in Spain, but in Russia; and not only in Russia, but through all the world; its ramifications were felt to excite those who suffered under the tyrant of France to rise to resistance. There was yet one other extraordinary and most important result seen proceeding from the battle of Salamanca, in the conquest it gave lord Wellington over Spain herself; for he would put it to the House, with their knowledge of the pride of the Spaniards, their distinguished pride, their honourable pride, and, in many instances, their useful pride, for he did not know but that their pride opposed a more effectual bar to foreign conquest than almost any other nation could oppose to it—he put it, then, to the House, what must be the effect of lord Wellington's exploits on the Spanish mind, what the ascendancy of character which he had gained, when the united voice of the whole nation gave him the command of their whole military means. If a proof were wanting of the universality of this feeling in the Spanish people; if a proof were wanting that that honour was not conferred on him merely by the majority of the Spanish councils, the Cortes or the Regency, they could bring it to no better test, than was furnished by the conduct of that unfortunate officer general Ballasteros, to whose neglect and disobedience of the orders he received was in no small degree attributable the speedy advance of the enemy. What, however, was the result of this test? It appeared in his case, that so far from finding any support in the population of the country, or in the army which he commanded, which was warmly attached to him, and which he had often led to victory, he found no one to stand by him. Even that particular division of his army, which had till then considered its fame as bound up in him, did not furnish a man to stand by him on the principles he avowed respecting the appointment of lord Wellington. He was made a prisoner by his own soldiers, and delivered up in obedience to the orders received from Cadiz. This was a conquest over national feeling most glorious to lord Wellington, and he trusted he would now induce the Spaniards to surrender all their prejudices. This was a triumph for the gallant marquis greater than had ever been obtained by any other man, and perhaps it was the proudest trophy of lord Wellington's greatness, that he had not merely defeated the French armies, but that he had conquered the moral feeling of Spain, however laudable and useful that feeling might be on other occasions. It must be admired for the sake of the common cause, that his conduct had occasioned the surrender of old national prejudices. The general conduct of Spain was a point on which some controversy might arise, and therefore it was one which he wished to reserve for another day. He hoped however the House would not feel disposed to decide at once against them. There might be much to regret, some things to complain of—not as to a disposition to cross our interests, but on account of their reluctance; to put it more early in our power to do them as much service as we might. Still, however, when it was recollected what was the situation in which that country had been placed, brought into an extraordinary and unparalleled conjuncture; betrayed by her own government, and surprised by an enemy, at a time when she was without an army, without magazines, without officers, or any thing on which to begin a determined resistance, collected against the breaking out of the war, as in Russia. Under all these difficulties, however, her spirit had so far borne her successfully through the contest; and taking the question, not as it stood between us and Spain, but as it stood between Spain and France, and seeing that the chances were more against the enemy now than at any period of the long contest in which she had

been engaged, he hoped the House would look at her difficulties as well as her defalcations. If she had not been able to equal our wishes, she had more than equalled our hopes. If she had not been able to bring large regular armies into the field, her irregular forces had risen in such strength, that at one time they actually so completely divided the French armies from each other, that each was ignorant of the way in which the other was occupied. Spain had laboured under greater difficulties than any other country, and had done more. With respect to the assistance given her by England, though he would hereafter challenge any man to show that ministers had withheld from her any assistance they had it in their power to give, he did not wish to bring this point into discussion. We had assisted her as promptly as we could, with all we could spare from ourselves, and when it was considered that this for a time was all the means of resistance she had to work upon; when, too, it was recollected, that all her resources from South America, which had always supported her, were cut off for a considerable period, the wonder was that she had done so much, rather than that she had done no more. All the claim that he meant to prefer this night was this, that the services of lord Wellington, and the battle of Salamanca, were not to be considered merely as important in themselves, but as productive of great military consequences in Spain, and great moral consequences throughout Europe. With respect to the original plan of the campaign, on the principles of which he acted, and still more with the aid of the original documents in the possession of government, he (lord Castlereagh) begged to say that lord Wellington had not only accomplished all he expected, but more than all he had hoped to perform, and retired to the frontier having raised the siege of Cadiz, freed Andalusia, triumphed over danger, and gained immortal glory. If they watched his advance and retreat, it would be found that no disasters had occurred to damp our satisfaction. Only observe the skilfulness with which our great commander executed the retreat. We heard of no rear-guards surprised; no guns or stores taken by the enemy, except two or three in one place, which did not belong to his equipment, and [illegible] he could have carried off with little [illegible] they came within the scope of his main objects so as to induce him to encumber himself with them. He sustained no loss but what might be expected in the ordinary course of service. After having accomplished every military object which he had in view, he had retired with glory. His character never appeared more glorious. Our credit and our hopes were never higher in Spain than at the present time; and if we could not now drive the enemy over the Pyrenees, it was evident the enemy could not conquer Spain, and might be said to have little more hold of the country than they would have, if, having been forced to recross the Pyrenees, they were accumulating strength, and waiting an opportunity to return.—He would now conclude, hoping, that though he had gone at greater length into the subject than he thought of doing, that he had not wearied the patience of the House, that he had not introduced any question of military policy that would awaken a controversial feeling, and above all, that he had not appeared desirous of screening ministers from censure under the great and illustrious name of the marquis of Wellington. Any charges as to the means they had afforded, or ought to have afforded lord Wellington, they were anxious to meet on a future day. They had no wish to hang the conduct of government on the neck of lord Wellington, but were content to stand or fall on their own merits. He then moved, "That the thanks of this House be given to general the marquis of Wellington, for the many and great services which he has rendered to this kingdom, and to his Majesty's allies, during the late campaign; and more particularly for the glorious and decisive victory obtained near Salamanca, by the allied army under his lordship's command, upon the 22d of July last, whereby the French power in Spain has been essentially diminished, the siege of Cadiz has been raised, and the southern provinces of the peninsula have been rescued from the hands of the enemy."

Sir *Francis Burdett* professed himself to be incompetent to follow the details of military operations, so as to be able to offer an opinion upon them; indeed, he did not much like the agitation of such subjects in that House: but the noble lord had entered into a variety of subjects, and seemed disposed to call upon the House to sanction the whole conduct of the government respecting the conduct of the campaign, and to endeavour to shew that they had not been wanting in afford-

ing supplies to lord Wellington. (No! no! from the other side.) As far as he understood the noble lord, what he had said went to shew, that government had supplied every thing that had been essential to the success of the marquis of Wellington.—[Lord Castlereagh disavowed having made any such statement, and said, he had particularly guarded himself against such a construction.]—He begged the noble lord's pardon if he had misunderstood him, but he could not upon all occasions comprehend the course of his arguments. It often fell to his lot to be totally incapable of collecting the meaning of the noble lord; and how, amidst his many tropes and figures, and words about circumstances and details, he felt that there was in many instances no distinct idea conveyed to his mind. He yet did imagine that some excuse was indirectly intended for the conduct of his Majesty's ministers. He was not very much disposed on any occasion, when a vote of Thanks was proposed for services performed by the British army, whether those services had been attended with success or defeat, to give such a vote any opposition. Far was he from wishing invidiously to detract from the merits of men who had devoted their exertions to the service of their country, or to withhold from them any recompence which it was in the power of the House to bestow. But when he heard it stated that the victory gained over the French forces in Spain was more important in its consequences than any which had been gained in former times, and that the victory of Salamanca was equal to that of the duke of Marlborough at the battle of Blenheim, in which the enemy lost 20,000 men, had their general, marshal Tallard, taken, and 30 or 40 squadrons driven into the Rhine, and other great battles, which had completely changed the aspect of the whole affairs of Europe—though not desirous of undervaluing the merits of the great general whose achievements were meant to be extolled, and whose character and ability no man could more sincerely admire than he did; yet he could not suffer such delusions to go forth uncontradicted, the more especially, when he considered that they were calculated to plunge the country, under the direction of the same persons, still deeper in a destructive and ruinous war. He contended that, after these boasted and overpraised victories, we were still as far from our object as ever. Until he had heard it from the noble lord that evening, he had never understood that it was totally out of the contemplation of government to expel the French out of Spain. What the noble lord called success, he called defeat; for he never could have imagined that an expenditure of one million a month had taken place in the military department of this country for the last eleven months, for no other purpose than raising the siege of Cadiz. As to the Andalusias, they must fall again, as a mattter of course, into the hands of France. Under all the circumstances of the contest, it appeared to him, even upon the ministers' own shewing, that we were unable to find sufficient means to support the campaign; and that after lord Wellington's retreat, he had only the two fortresses of Ciudad Rodrigo and Badajoz, left to him as the fruits of his campaign in Spain. What! were we to be satisfied after all the splendid victories which had been gained in the course of the present campaign—after the exhausted state to which the French troops had been reduced by their incursion into Russia, and more particularly after the glorious, important, and unparaleled victory of Salamanca, so highly advantageous in its consequences to the general affairs of the peninsula, were we to be satisfied by a retreat? Were we not to take advantage of all those gratifying and cheering circumstances? Were we to suffer the French troops to recover from the effects of their discomfiture and exhaustion, and to wait until the tide of good fortune which had attended us had flowed back upon its source? It seemed to him, that such propositions were totally inconsistent with the obvious rules of common sense and reason. And yet, where now was the marquis of Wellington? In what direction were we to look for the glorious results of the campaign? In what manner was the diminution of the French power in Spain evinced? The noble lord had slightly touched upon the most important feature of the war, the failure of the siege of Burgos. If the word of the noble lord was to be taken, nothing on this occasion was to be imputed to the commander of the forces. Lord Wellington did all that a great commander could do, and all that his means rendered him capable of performing. If this was the case, then either the government had not supplied lord Wellington with the means adequate to accomplish his purpose, or, possessed of

those means, he had totally failed. There must be blame somewhere, and some defect existed which called loudly for enquiry. It was somewhat extraordinary, as well as mortifying, that, after all the means which had been placed in the hands of his Majesty's ministers, and the liberality with which those means had been dispensed in the course of the Spanish war, that the country had not yet reaped some of the fruits of the great victories; some of the benefits of the exertions which had been detailed. Nothing, however, seemed to have resulted from all these advantages, but calamity and distress, which gave rise to the natural proposition, that either lord Wellington was not entitled to the praise which the House was called upon to bestow, or the fault of our failure was attributable to the gross negligence and imbecility of the ministers of the crown. He could not see how they could get rid of this dilemma. It was not, however, for the purpose of going at length into these topics, that he now rose; all he wished to do was, to protest against the system of delusion which had been observed by his Majesty's government for the last 19 years, 16 of them under his own observation, and to which the noble lord's speech formed a sequel. In every speech which had been delivered on occasions similar to the present, the same prospects of success were held out; the same panegyrics were passed upon commanders; the same panegyrics upon ministers themselves, ending always in disappointment, and calculated to engage them deeper in expence and war. Other and more fit opportunities would occur for the discussion of these subjects, which he now wished to avoid, as he was very unwilling to dissent from any vote of thanks or gratitude which might be proposed to the present commander in the peninsula. He could not help thinking, however, that it would have been better, if the question had not been brought forward quite so early, and that time might have been allowed to go into some inquiry on the general conduct of the campaign, before the House was called upon to give their vote. The noble lord, in the plenitude of his satisfaction, had not merely confined himself to Spain, but had travelled out of his course, and had taken the House to Russia, where, in the destruction of from two to three hundred thousand human beings, in the burning of Moscow, and in the devastation of an immense tract of Russian territory, he found new causes of congratulation, new sources of national pride and gratitude. He had called the attention of the House to the difficulties with which the emperor of the French was surrounded in his endeavours to reach winter quarters; and that he had considered as a matter of great triumph on the part of the emperor of Russia. Would he be equally inclined to consider it a matter of triumph, if Buonaparté should extricate himself from these perils which, in his opinion, was more than probable, and after having found good winter quarters, return to the contest with renovated ardour in the spring? Could he believe it possible that Russia could continue such a contest, and undergo a repetition of similar dreadful experiments and sacrifices? Supposing he marched to Petersburgh, which seemed to be his ultimate intention, would the same mode of defence, as at Moscow be adopted? Could Russia burn another Moscow to prevent its occupation by the enemy? Would she burn Petersburgh too? The Russian general Kutusow, speaking of the battle of Borodino, said, that he did not follow up the results of the battle, because he should in that case risk both his own army and the safety of Moscow. The event of the capture of Moscow did, notwithstanding, take place. He, for one, could not greatly admire the magnanimity of burning that, the preservation of which ought to have been fought for; nor could he see the shining character of the emperor Alexander, who was not, like the emperor of the French, personally sharing in the danger of the war. He could not subdue the conviction which arose in his mind, on viewing all these things, of the utter impossibility of the emperor of Russia feeling any exultation whatever: on the contrary, he thought that unfortunate individual must be oppressed by a view of the irreparable calamities to which himself and his people had been, and were likely, still further, to be exposed. The noble lord, in his almost incomprehensible speech, had next adverted to that which he was pleased to call a victory over the moral feelings of the Spaniards. This was an expression which he felt himself wholly at a loss to understand. Where was the proof of this victory? Was it to be found in the support which had been given to the Inquisition? Could it be said that our conduct in treating as traitors the Spaniards who had adhered to the French at Madrid, was the cause of this

desirable end? He should like to know by what right these persons had been thus treated? Had not their country been betrayed and abandoned, and had not every Spaniard a right to decide whether he would join the French or the English? In his opinion, to treat them as traitors not only exposed our own partizans to a similar fate, but an act of gross despotism, and an abandonment of all humanity and justice—a species of conduct which would tend more to defeat the moral conquest of Spain, than to the attainment of any other object. But as he said before, where were the proofs of this victory, which had been claimed by the noble lord, to be found? How many Spaniards had signalized themselves for valour in the field of battle? It was true that our troops had maintained their ancient character for spirit and heroism, and on this head he felt as proud as any man; but when he heard all this vaunting and bragging, he should like to hear what the Spaniards had done, or where they had evinced a disposition to support their own cause? Far different was the opinion of the marquis Wellesley—he had taken a very different view of the war in Spain, and had told us we must look to ourselves for exertion, for from the Spaniards none was to be expected. Under all these circumstances, he was of opinion, if the war was to be carried on, that efforts should be made of a different description to those which had hitherto been witnessed. The same miserable and contemptible state of vacillation ought no longer to be suffered. According to the opinion of marquis Wellesley, who had been in Spain, the noble lord (Castlereagh) had no right to attribute any failure to the conduct of Ballasteros alone. The noble lord had brought a charge against that general, for not preventing the junction of the two French armies, and to this neglect were the failures of lord Wellington ascribed. Lord Wellesley, however, was of opinion that these failures were not merely owing to the conduct of one individual, but to the apathy of the whole Spanish nation, as well as to the strength and energy of the French army, who did not, as the noble lord would have it understood, melt like butter before the sun. He would ask any man, whether it was a fair mode of measuring the merits of the war, by saying, at any particular period, Here let us strike a balance, and see how we stand, and from thence draw deductions as to the general results? The fallacy of such a course was manifest, from the fact of lord Wellington having gone half way in effecting the object he had in view, and being then obliged to retrace his steps. In conclusion, the hon. baronet said, he felt it incumbent on him to take this opportunity of delivering his sentiments, lest he might be considered as pledged, in the vote he should give, to any approbation of the conduct of his Majesty's ministers, than which nothing could be further from his intentions.

Sir *Frederick Flood* said, he could not deny himself the opportunity which was now afforded him of expressing his admiration of the truly splendid victory of Salamanca—a victory which, while it placed the bravery of the British troops in a most prominent point of view, exhibited the transcendent military talents of their commander, the most noble the marquis of Wellington, in their true colours. Never was more consummate generalship evinced—never did the conduct of any man excite more deservedly the approbation of his countrymen. It was not his intention to go into the history of the campaign, which had already been so ably detailed by the noble lord; he would content himself, therefore, by declaring his hearty assent to the Vote of Thanks to the marquis of Wellington, for the brilliant victory gained by him over the French forces on the 22d of July last, to which he believed there was no man, either within or without those walls, would object.—"Thank God," said the hon. baronet, "we have committed our army to the care of a man of cool and deliberate judgment, one who is not fool-hardy, and who knows when he ought to go forward, and when he ought to go backward. He is not a rash man, who for the sake of a momentary advantage would sacrifice his army, but who, with that wisdom indicative of a great mind, waits but for an opportunity to annihilate the whole body of the enemy. After all the actions that have taken place—after all the blood that has been spilt, it would be degrading to the name of Great Britain and of Ireland, to solicit peace. Suppose a bully attacked a Briton or an Irishman, and that he was repelled by their bravery, would it become them, after they had gloriously beaten him off, to sue for peace? The thought was ridiculous—and equally ridiculous would it be to think of suing for peace, at this time, from that tyrant, that

scourge of Europe, whose fate I am satisfied is now fast approaching. Let us all but unite; let the feelings of the whole United Kingdom be conciliated, and there is no doubt but all ranks of society, whether Irish or British, will join with one heart and one hand to drive that scourge of mankind, (I was going to say,) to the devil. He must be resisted, as well as those erroneous people of America; but if you divide the country you cannot go on. As courage and virtue are alike common to all his Majesty's subjects, they ought equally to enjoy the advantages of the constitution. These are my sentiments, and these are the sentiments of a great and loyal county, consisting of eleven thousand electors, who did me the honour of sending me here, and of giving me the opportunity of expressing my sentiments. I have now to express my thanks for the indulgence which has been granted me by the House, whose pardon I beg for having so long trespassed on their attention. I cannot, however, conclude, without expressing my accordance with the feeling expressed by the hon. baronet who spoke last—I mean, with regard to the necessity of investigation hereafter. To that investigation I think it highly necessary the attention of the House should be seriously devoted. Let the time come when it will, I shall form my judgment as an independent man; I will look to measures and not to men, and if I find my best friend adopt measures, of the utility of which I am not thoroughly convinced, I will vote against him.—I will invariably act according to the dictates of my conscience; I will not be led away by party; I will ride my own horse, and will not be made the stalking-horse of others.—If ministers are able to prove that they have furnished the marquis of Wellington with all the adequate means in their power for pursuing his military career, I will vote in their favour; but if, on the contrary, I find they have failed in their duty, I will oppose them. As I said before, I will support measures, not men."

Mr. *Cochrane Johnstone* thought it would be no more than proper that some further pecuniary provision should be made for the marquis of Wellington. If any delicacy was felt in these times of distress to apply to the public for this remuneration for the brilliant services which had been achieved, the purpose might be answered, as in the case of the duke of Marlborough, by the grant of some royal manor. He was aware that this step must, of necessity, emanate from his royal highness the Prince Regent, but when the services performed by the illustrious person to whom he alluded were considered, he apprehended no opposition whatever would be given to such a proposal.

Lord *Castlereagh* remarked, that the observations of the hon. gentleman were not strictly applicable to the question before the House. It was not improbable, however, that he might hereafter be charged with some proposition of the sort.

Mr. *Ponsonby* was disposed fully to agree with the House in returning Thanks to the marquis of Wellington for the services he had performed. As the noble mover had gone into many other subjects, however, the merits of which he was not disposed to admit, he rose for the purpose of expressing a hope, that, in according with the present vote, he might not be supposed at all to agree with many of the things which the noble lord had thrown out. These he considered perfectly open to the House to examine hereafter.

The Resolution was then put and carried *nem. con.*—As were also the following:

"That the Thanks of this House be given to lieut. gen. sir Stapleton Cotton, lieut. gen. James Leith, lieut. gen. the hon. Galbraith Lowry Cole; and to major generals Henry Clinton, Henry Frederick Campbell, baron Bock, Victor baron Alten, baron Low, Charles baron Alten, John Hope, George Anson, William Anson, John Ormsby Vandeleur, J. H. C. de Bernewitz, the hon. Edward Pakenham, and W. Henry Pringle; and to the several other officers; for their distinguished exertions in the battle of Salamanca, upon the 22d of July last, which terminated in a glorious and decisive victory over the enemy's army.

"That this House doth acknowledge and highly approve of the distinguished valour and discipline displayed by the non-commissioned officers and private soldiers of the forces serving under the command of general the marquis of Wellington, in the glorious victory obtained, upon the 22d of July last, near Salamanca; and that the same be signified to them by the commanding officers of the several corps, who are desired to thank them for their gallant and exemplary behaviour.

"That this House doth highly acknowledge the zeal, courage, and discipline,

displayed by the officers, non-commissioned officers, and private soldiers, of the Portuguese forces serving under the command of general the marquis of Wellington, in the glorious victory obtained upon the 22d of July last, near Salamanca.

"That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that a Monument be erected in the cathedral church of St. Paul, London, to the memory of major general John Gaspard le Marchant, who fell gloriously on the 22d of July last in the battle fought near Salamanca, when a decisive victory over the enemy was obtained by the allied army commanded by general the marquis of Wellington; and to assure his Royal Highness that this House will make good the expence attending the same."

Committee of Supply.] The Chancellor of the Exchequer having moved the order of the day for the House resolving into a Committee of Supply,

Mr. *Creevey* said he could not suffer the question of Supply to be adverted to without making some comments upon the present depreciated state of the paper currency of the country. The ill effects of the opinion recorded by the right hon. the Chancellor of the Exchequer during the last session of parliament, that paper was of equal value with gold, had now been fully experienced. He had heard that government themselves had become dealers in gold, and had actually been obliged to buy guineas at the rate of 27*s.* and 28*s.* a-piece. He would wish to know whether this was a fact or not; as when he saw that persons of low condition were daily punished for this species of offence, he was at least anxious to learn that the framers of the law which led to these severities, were not themselves the first to break it. If this was the case, they were at an expence of from 35 to 40 per cent. for every 100*l.* which they sent to the continent, which, with other ruinous circumstances arising from a debased paper currency, called loudly for redress. Before the question of Supply was put, he begged leave to move, as a substitute for that motion, "That this House will take into its early consideration the state of the Paper Currency of this kingdom."

The *Chancellor of the Exchequer* said he should have hoped, after the House had no longer ago than yesterday promised to the Prince Regent liberally to contribute to the supplies necessary for the support of the country, that no person would be capable of refusing all support, and of proposing to leave the Prince and the country defenceless, and without the means of carrying on the war, or resisting the enemy. He knew it was usual when questions of Supply were agitated, to take a large range over the conduct of his Majesty's ministers, but he never before knew an instance in which an amendment was made to the general question for a supply to the crown. To himself it was a matter of indifference when the conduct of his Majesty's government was canvassed, but he certainly thought the hon. gentleman might have found another opportunity for his motion. At present he did not think it a fit opportunity of entering at large into the topic to which the hon. gentleman had adverted, and should therefore content himself with saying, in answer to what had passed, that he felt more fully confirmed, by every day's experience, of the soundness of the principles which he had advanced in the last parliament upon the subject of paper currency. Had the opinions of the hon. gentleman and some of his friends prevailed, with reference to the same subject, he had not the slightest doubt, that a fatal blow would have been given to the credit and commerce of the country, and to the rising hopes of the liberties and independence of Europe. Such being his opinion, he thought he could not do better than immediately take the judgment of the House upon the motion which had been made.

Mr. *Whitbread* wished to correct the right hon. the Chancellor of the Exchequer on one point. His hon. friend by his amendment did not refuse supplies; he only wished the House to pledge itself to an early consideration of the depreciated state of the paper currency. His principal object in rising, however, was to remind the right hon. the Chancellor of the Exchequer, that he had forgotten to answer two questions put by his hon. friend; first, what was his opinion as to the value of the Bank-note, compared with the gold coin of the realm? and, secondly, whether any agents were employed by government to purchase the said coin? If so, he thought it was an act of flagrant injustice to commence state prosecutions against individuals, for crimes such as the state itself committed. He protested

against the imputation of denying supplies altogether. He saw no reason, if the amendment of his hon. friend were carried, why the House should not afterwards go into a Committee of Supply.

The *Chancellor of the Exchequer* said, he was at all times ready to answer questions of fact; but he would not answer questions of opinion, more especially of his own opinion of the opinion of others. He begged in answer to the second question, to state distinctly, that no agent had ever been employed by government to purchase the coin of the realm; and further, that so late as yesterday, a large sum had been offered to him, which he had refused to purchase.—(A laugh.)

Lord *Milton* did not mean to support the amendment of his hon. friend. He concurred in opinion with him, that the subject required a very serious discussion, and that it was the peculiar province of the House to guard the public purse. He was surprised, however, at the observation of the Chancellor of the Exchequer, that the House had pledged itself yesterday to the Prince Regent, to grant the necessary supplies: the noble lord thought that it was perfectly understood that the Address did not pledge the House to any thing.

Mr. *H. Martin* asked whether it was the intention of ministers to adopt any economical plan of reform, and retrenchment of expenditure, in consequence of the Reports of the different Committees, which were then on their table; if not, he should take an early opportunity of calling the attention of the House to those Reports.

The *Chancellor of the Exchequer* said, that he had endeavoured to look into the subject with all the attention in his power, but he was not prepared to present any digested plan upon the subject.

Mr. *Whitbread* wished the Chancellor of the Exchequer to inform him of the amount of the gold offered to him, and whether it was the coin of the realm, and also what was the price. He thought the seller must be a very clumsy fellow to attempt to draw the Chancellor of the Exchequer into a breach of the law of the land—to endeavour to persuade him to an act which would subject him to imprisonment, if not to transportation. Certainly the right hon. gentleman had the Attorney General to protect him—(A laugh).

The *Chancellor of the Exchequer* begged leave to state, in reply, that it was not to himself, but to a friend, that the offer was made. The sum was 27,000 guineas, and the price, he believed, was about 25 shillings each.

The conversation then dropped, and the motion of the Chancellor of the Exchequer was carried.

Tellers of the Exchequer.] Mr. *Bennet* asked, whether it was true, that the Tellers of the Exchequer had offered to resign a third of their profits during the war, and whether other persons holding sinecures had made the same offer?

The *Chancellor of the Exchequer* replied, that the marquisses of Buckingham and Camden had made that liberal and patriotic offer, but he was not aware that any other persons had done so.

Treaties with Russia and Sweden.] Lord Castlereagh presented the following Treaties:

TREATY of Peace, Union, and Friendship, between his Britannic Majesty and the Emperor of all the Russias; Signed at Orebro the 18th of July 1812.

In the Name of the Holy and Undivided Trinity. His majesty the King of the united kingdom of Great Britain and Ireland, and his majesty the Emperor of all the Russias, being equally animated with the desire of re-establishing the ancient relations of friendship and good understanding between the two respective states, have named for that purpose their plenipotentiaries, namely; his royal highness the Prince Regent, in the name and on the behalf of his majesty the King of the united kingdom of Great Britain and Ireland, Edward Thornton, esquire, his plenipotentiary at the court of his majesty the king of Sweden; and his majesty the Emperor of all the Russias, Peter de Suchtelen, general of engineers, quarter-master general, member of the council of state, inspector of the whole of the department of engineers, knight of the order of Saint Alexander Newsky, grand cross of those of Saint Wladimir and of Saint Anne of the first class, knight of the order of Saint George of the fourth class, and commander of that of Saint John of Jerusalem; and Paul Baron de Nicolay, his gentleman of the bedchamber of the fifth class, charged with his affairs at the court of his majesty the king of Sweden, knight of the order of Saint Wladimir of the third class, and of

the royal order of the Polar Star of Sweden; who, after the exchange of their respective full powers, drawn up in good and due form, have agreed upon the following Articles:

ARTICLE I. There shall be between his majesty the King of the united kingdom of Great Britain and Ireland, and his majesty the Emperor of all the Russias, their heirs and successors, and between their respective states and subjects, a firm, true, and inviolable peace, and a sincere and perfect union and friendship, so that from this moment all cause of misunderstanding which may have existed between them, shall be considered as entirely ceasing and done away.

ARTICLE II. The relations of friendship and commerce between the two countries shall be re-established on both sides, upon the footing of the most favoured nations.

ARTICLE III. If, in resentment of the present pacification, and of the re-establishment of the good understanding between the two countries, any power whatsoever shall commit hostilities, whether against his Britannic Majesty or against his Imperial Majesty, the two contracting sovereigns engage to make common cause for the support and security of their respective states.

ARTICLE IV. The two high contracting parties will endeavour to come to an understanding and arrangement as soon as possible, as to all matters relating to their mutual interests, political as well as commercial.

ARTICLE V. The present treaty shall be ratified by the two high contracting parties, and the ratifications shall be exchanged in six weeks, or sooner, if possible.

In faith whereof we the undersigned, in virtue of our full powers, have signed the present Treaty of Peace, and fixed thereto the seal of our arms. Done at Orebro, the 18th day of the month of July, in the year of our Lord 1812.

EDWARD THORNTON. (L. S.)
SUCHTELEN. (L. S.)
PAUL BARON DE NICOLAY. (L. S.)

TREATY OF PEACE, UNION, AND FRIENDSHIP, BETWEEN HIS BRITANNIC MAJESTY AND THE KING OF SWEDEN; SIGNED AT OREBRO THE 18TH OF JULY 1812.

In the Name of the Most Holy and Undivided Trinity. His majesty the King of the united kingdom of Great Britain and Ireland, and his majesty the King of Sweden, being equally animated with the desire of re-establishing the ancient relations of friendship and good understanding between the two crowns, and between their respective states, have named for this purpose their plenipotentiaries, that is to say; his royal highness the Prince Regent, in the name and on the behalf of his majesty the King of the united kingdom of Great Britain and Ireland, Edward Thornton, esquire; and his majesty the King of Sweden, Lawrence baron d'Engeström, one of the nobles of the kingdom of Sweden, minister of state and of foreign affairs, chancellor of the university of Lund, knight and commander of the orders of the King, knight of the royal order of Charles the thirteenth, Grand Eagle of the Legion of Honour of France; and Gustavus baron de Wetterstedt, chancellor of the court, commander of the order of the Polar Star, one of the eighteen members of the Swedish academy; the which plenipotentiaries, after having exchanged their full powers, drawn up in full and due form, have agreed upon the following Articles:

ARTICLE I. There shall be between their majesties the King of the united kingdom of Great Britain and Ireland, and the King of Sweden, their heirs and successors, and between their subjects, kingdoms, and respective states, a firm, true, and inviolable peace, and a sincere and perfect union and friendship, so that from this moment every cause of misunderstanding, which may have existed between them, shall be regarded as entirely ceasing and done away.

ARTICLE II. The relations of friendship and commerce between the two kingdoms, shall be re-established upon the footing on which they stood on the 1st day of January 1791; and all the treaties and conventions subsisting between the two countries at that epoch, shall be regarded as renewed and confirmed, and they are, by the present Treaty, renewed and confirmed accordingly.

ARTICLE III. If in resentment of the present pacification, and the re-establishment of good understanding between the two countries, any power whatsoever shall make war upon Sweden, his majesty the King of the united kingdom of Great Britain and Ireland engages to take measures, in concert with his majesty the King of Sweden, for the security and independence of his states.

ARTICLE IV. The present Treaty shall be ratified by the two high contracting parties, and the ratifications shall be exchanged within six weeks, or sooner if possible.

In faith whereof we the undersigned, in virtue of our full powers, have signed the present Treaty, and have fixed thereto the seal of our arms. Done at Orebro, the 18th day of the month of July in the year of our Lord 1812.

EDW. THORNTON.
(L. S.)
THE BARON D'ENGESTROM.
(L. S.)
G. BARON DE WETTERSTEDT.
(L. S.)

HOUSE OF COMMONS.

Friday, December 4.

GALWAY ELECTION—PETITION OF MR. BLAKE.] A Petition of Valentine Blake, of Menlo, in the county of the town of Galway, esq. was delivered in and read; setting forth,

"That, at the last election for a member to serve for the town and county of the town of Galway in the present parliament, the petitioner and the hon. Frederick Ponsonby were candidates to represent the said town and county in parliament; and that, by virtue of divers charters, there exists a corporation by the name of the mayor, sheriffs, free burgesses and commonalty of the town and county of the town of Galway; and the right of election of members to serve in parliament for the said town and county of the town of Galway is vested in the freeholders thereof, and also in the resident freemen of the corporation of the said town; and that, at such election, Francis Eagar and Thomas Browne esquires, were the then sheriffs and returning officer for the said town, James O'Hara, esq., was recorder of the said town, and the right hon. Dennis Bowes Daly mayor of the said town and corporation; and that the said James O'Hara was counsel at the said election to the said returning officer, and at the same time assistant adviser and director of the proceedings of the said D. B. Daly, mayor as aforesaid; and that the said D. B. Daly, at and during the said election, was the partizan and agent of the said F. Ponsonby; and that, at and during, or a day or two before the said election, the said D. B. Daly, then and still mayor of the said town of Galway, did, for the purposes of the said election, and in order to insure the return of the said F. Ponsonby, administer to divers persons, being his own tenants, peasantry, and dependants, the oaths called the freeman's oaths, in a private and separate room to which the agents of the petitioner were denied access, and no persons admitted but the friends of the said F. Ponsonby; and that such persons were admitted by the said D. B. Daly, mayor as aforesaid, by great numbers at a time, for the purpose of becoming occasional voters, and in order to carry the election against the petitioner, contrary to the law of parliament and the rights of the petitioner; and that several freemen would have qualified under the act 4th Geo. 1, c. 15, and would have voted for the petitioner at the election aforesaid, if the said D. B. Daly had not refused to administer the oaths of qualification to such persons, although the same were duly demanded to be administered by the said D. B. Daly; and that the sheriffs received the votes of many persons against the petitioner who were disqualified from voting, and of many persons who voted as freemen of the said corporation, and freeholders of the town and county of the town of Galway aforesaid, who had no right or title of voting whatsoever either as freemen or claiming to be freemen, or as having freeholds within the county of the said town; and that several persons voted for the hon. F. Ponsonby as freemen, who were non-resident, and not even freemen *de facto*, and without evidence by the proper officers of their admissions according to law; and that many persons were permitted to vote for the said F. Ponsonby, although there was no legal evidence of the admissions of such persons entered on stamps, as required by the Irish act passed in the 13th and 14th year of his present Majesty, or by other stamp acts, some or one of them; and that many persons were permitted to vote for the said F. Ponsonby whose admissions had never been entered on stamps; and that divers voters who, at the said election, voted for the hon. F. Ponsonby, were Roman Catholics; and that the certificates of their qualification, and their qualification itself, was irregular and defective, the same not having been made or granted by or before magistrates or persons duly authorised to act in granting or allowing the same; and that the oaths required by law to be taken, in order to qualify such persons to vote at an election

for a member to serve in parliament, were not duly administered by or in the presence of the proper magistrates, officer or officers, appointed to administer the same; and that, after the teste of the writ of summons to parliament, and at and during the election aforesaid, the said F. Ponsonby, by himself, friends, agents, and others on his behalf, and particularly by the said right hon. D. B. Daly, then and still mayor of the said town of Galway, did present and allow, and promise to present and allow, to divers persons having votes at such election, money, meat, drink, entertainment, gift, and reward, in order that the said hon. F. Ponsonby might be elected to serve in parliament for the town and county of the town of Galway aforesaid; and that, by the said several and other undue means, the said F. Ponsonby obtained an apparent majority of votes over the petitioner at the said election, and has been returned as duly elected, although the petitioner had a legal majority of votes in his favour, and ought to have been returned to serve in parliament for the said town and county of the town of Galway; and praying the House to declare the election of the said F. Ponsonby for the said town and county of the town of Galway void; and that the said return may be amended or altered, by striking thereout the name of the said F. Ponsonby and inserting in the place thereof the name of the petitioner, and that the petitioner may be declared duly elected and returned to represent the town and county of the town of Galway in this present parliament, or to make such other order for the petitioner's relief in the premises as the House, in its wisdom, shall think fit."

Ordered to be taken into consideration upon the 11th of February.

The Prince Regent's Message respecting the Marquis of Wellington.] Lord Castlereagh presented the following Message from the Prince Regent:

"George, *P. R.*

"The Prince Regent, acting in the name and on the behalf of his Majesty, having taken into his consideration the eminent and signal services performed by general the marquis of Wellington on so many occasions, and particularly in the glorious battle of Salamanca, is desirous of bestowing such a mark of national munificence on general the marquis of Wellington as may enable him to sustain the high honours which his Royal Highness has thought proper to confer on him and his descendants.

"The Prince Regent recommends, therefore, to the House of Commons the adoption of such measures as may be necessary for the accomplishment of this most important object. G. *P. R.*"

Ordered to be taken into consideration on Monday.

HOUSE OF LORDS.

Monday, December 7.

Prince Regent's Message respecting the Marquis of Wellington.] The order of the day being read, for taking into consideration his Royal Highness's Message, respecting the marquis of Wellington,

The Earl of *Liverpool* said:—In rising, my lords, to propose an Address in answer to his Royal Highness's most gracious Message, for the purpose of expressing your lordships' concurrence in forwarding his Royal Highness's intention, I am sure I should be wasting your lordships' time, if I were to say one word in recommendation of such a motion. After the able and eloquent speech of my noble friend (earl Bathurst) on a former evening, in moving the thanks of this House to that gallant and distinguished general, and after the able speeches of other noble lords, and of the noble marquis opposite (Lansdowne), upon the same occasion, it would be impossible, my lords, for me to add one expression which could evince more of my own admiration, or raise a higher opinion of the noble marquis's conduct. At the same time, I will venture to occupy a small portion of your lordships' attention in stating a few circumstances respecting this great general, which I think are entitled to consideration. His Royal Highness has stated, that in wishing to confer upon the noble marquis, by an act of munificence, what will enable him to support his merited dignities, he has taken into consideration the signal services the noble marquis has performed for his country, and these services, so constant and unwearied, cannot be too much valued. For four campaigns, my lords, has the marquis of Wellington devoted the powers of his body and mind, to the conduct of the war in the peninsula. In the course of that period, he has been opposed to the most celebrated and experienced of the French generals, to Soult, to Victor, to Jourdan, to Massena, and to Marmont, and not

only, my lords, has he been opposed to all these, but he has overcome them. Indeed, when we reflect that the whole of this period has been devoted to the cause of his country, without the exception of a day, when we reflect what privations he must have endured, that no considerations of personal ease could divert him from his object, that no fatigue, that no considerations of private policy could shake him in the discharge of these important public duties, we are led to wonder at that strength both of body and of mind which could support him under all these circumstances, and for so long a period. The marquis of Wellington, my lords, is justly sensible of the high honours which have been conferred upon him, for no greater perhaps ever fell to the lot of any man; eight times he has received the thanks of parliament, and in six out of those eight times he was commander in chief. But in respect to any pecuniary compensation, independent of the reward which on a former occasion was voted by the legislature to lord Wellington, instead of having had, during all these campaigns, any opportunity of increasing his fortune, he has, I believe, on many occasions experienced its diminution. I shall not detain your lordships further, than by proceeding to make that proposition which I am convinced will be unanimous, because it is one in which you are called upon to concur, in justice to lord Wellington, and to yourselves. Because, my lords, in conferring upon lord Wellington a reward for his past and distinguished services, you only do that to which he is entitled as an individual; and when you take care to reward so great and undisputed services in such an individual, you adopt the wisest policy for the preservation and security of your country. I may here add what more properly comes first under consideration in another place, that it is the intention of government to propose a grant of 100,000*l.* to be vested in landed property, for the use of the noble marquis and his heirs, and in such manner as will be more particularly described in the act for that purpose.—The noble earl concluded, by moving an humble Address to the Prince Regent, thanking him for his most gracious Message, and assuring him that their lordships will most readily concur in carrying his Royal Highness's intentions into effect.

Lord *Holland* had no disposition to make any observation upon the present motion, after the able and just mode in which the marquis of Wellington's distinguished services had been described; in every word of which he most heartily concurred. He had only to remark that the proposition of the noble earl had his entire approbation, and he felt satisfied in hearing the statement and extent of the grant intended, and the manner in which it was meant to be appropriated.

The Address was then agreed to *nem. diss.*

Vice Chancellor's Bill.] Lord *Holland* was desirous of submitting to their lordships' attention, a motion for further information respecting the Bill introduced by the noble and learned lord (Redesdale). The noble and learned lord, on a former night, had expressed his intention to oppose every proposition for delay. But he (lord Holland) was no further desirous of delay, than that before the House passed a measure of such importance, they should have every information requisite to form their judgment upon it. He, therefore, intended to move for the Report of the Committee of the House of Commons, appointed to inquire into the causes of delay, in the decision of suits in the Court of Chancery. He was the more desirous of having this information before them, as it would enable the House better to decide upon the propriety of the Bill, and give time for the attendance of several noble lords who, no doubt, would be desirous of delivering their sentiments upon the subject. There were many objections he entertained against this measure, which he would not enter into at present, but which would probably be stated upon the third reading; and he trusted the noble and learned lord would so far accede to a full consideration of his intended measure, as to postpone its final consideration till after the holidays. In the mean time he should make the motion of which he had given notice, and against which, he believed, there could be no objection.

Lord *Redesdale* did not rise to oppose the motion of the noble lord, but he could assure the House, that no information could be derived from the Report alluded to, capable of altering their opinions upon the measure which he had the honour to propose. Their lordships would recollect that this subject had been under their consideration for nearly three years; that a committee had been appointed, who were unanimously of opinion that the evil com-

plained of required immediate remedy; and that the same committee, composed of persons of all others most competent to suggest a remedy, had recommended the measure now proposed. With respect to the motion of the noble lord, it only went to the production of a Report which had little connection with the causes and grounds of the present measure. The Report was made by a committee appointed to enquire into the causes of delay in the proceedings of the Court of Chancery, and chiefly arose, he believed, out of a disposition to ascertain whether the causes in that court had increased. The causes in that court had certainly increased, and, from the increase of causes in all the courts below, the Lord Chancellor was precluded from deriving that assistance from the judges, which was given to my lord Hardwicke and others. But the increase of causes in the Court of Chancery did not apply to the increase of Appeals and Writs of Error in the House of Lords. The arrear of these Appeals and Writs of Error was enormous; it now amounted to more than 270, which would require from 12 to 13 years to decide, according to the mode in which these causes had been hitherto decided, without taking into calculation the accumulating arrear which would take place in the interval. This delay in the decision of Appeals was a growing evil, and one of enormous magnitude and great grievance to the suitor.—The noble and learned lord next proceeded to notice the hardships of many individual cases, where the parties were put to the most serious loss and the greatest inconvenience. In one instance, the rents and profits now depending, in consequence of delay, amounted to 30,000*l.* and, in others, his lordship shewed what injurious effects might result from a further delay on the death of the parties. The measure proposed by the present Bill had been discussed in the last session, and neither the noble lord, nor any other peer, had then suggested any altera'ion in lieu of the present. When the Bill miscarried in the other House, he had promised to bring it forward this session; and, in now proposing it to their lordships' consideration, he had kept his word and discharged his duty. It was intended that a Vice-Chancellor should attend to the business of Chancery, while the noble and learned lord on the woolsack sat from ten till three o'clock, for three days in the week, deciding cases now before the House. However early this Bill might pass, a considerable part of the session was likely to elapse before it could be carried into effect. He was, therefore, inclined to oppose any measure whatever likely to produce delay, but at the same time he could not object to the motion of the noble lord.

Upon the order of the day being read for going into a committee upon the Bill,

Lord *Holland* again rose, and addressed the House upon the subject of this measure. He was the more induced to state his sentiments, in consequence of what had fallen from the noble and learned lord. The noble and learned lord had intimated his surprize, that no other measure had been proposed by him instead of that recommended in the present Bill. With respect to himself, he did not consider his knowledge equal to the task; and he deemed the argument a little extraordinary which would infer, that because he did not possess that legal knowledge which was most competent to suggest the fittest plan to be adopted, it was to be inferred that he could not consistently state his objections to the one proposed. The noble and learned lord would do him the justice to recollect, that on a former occasion he had not publicly, but privately, communicated to him his objections to the present measure. This was, however, a serious subject, as it affected the state and the law of the country; and although he was afraid he might discover ignorance in his own ideas respecting it, yet, when he saw the noble and learned lord so anxious to push this measure in the absence of those who could have more ably pointed out its impropriety, he felt himself particularly called upon to express his objections to the Bill. With respect to all that had been stated as to the magnitude of the evil complained of, and the immediate necessity for its being remedied, he and the noble and learned lord were perfectly agreed; but he entertained very serious objections against the mode now recommended, not because it would be an unconstitutional measure—no, he had formerly stated that this would be a material alteration in the constitution of this country, and certainly he thought so still—but with all the admiration he ever should cherish for the British constitution, he would be ever ready to acquiesce in any alteration which should be proved to be necessary, and likely to be effectual for the purposes for which it was intended. He begged,

in speaking upon this subject, to be plainly understood, and that when he mentioned his objections, he meant them not to apply to the noble and learned lord who presided on the woolsack, for whom no one could entertain a higher opinion. With regard to that high office, no one was more anxious that it should be rewarded with a salary commensurate to its importance, and its utility in the constitution. In saying this, nevertheless, he lamented that a part of the income of that office arose from bankruptcies—from the distressed property of the subjects of the country. Not one farthing of this income did he desire to see retrenched; but it would be more satisfactory to the person filling that high office, that this portion of his income should arise to him by a direct grant in another manner. Perhaps if an officer were appointed to administer the bankrupt laws, instead of the lord chancellor, it might relieve that high officer so much as to enable him to dispatch the business of that House and the Court of Chancery. But he felt strong objections to the division of the office of lord high chancellor itself. That office he regarded as one most important in the state, and one most useful to the country. As it was now constituted, it could not be filled by an incompetent person; it must be filled by one deeply imbued with legal knowledge; and he left it for the House to consider how important it must ever be to the state, that such a person should have a seat in the councils of his sovereign, and how useful it must be to the country that the head of the law should be dignified by such a station in the government. He was not speaking these sentiments with consideration to the conduct of the noble and learned lord on the woolsack; but when he looked to future times, he was apprehensive that the consequence of this division of the office would be, that the lord high chancellor would become a mere political character in the state, and that the vice-chancellor would be the real and only legal decider of the law. There might be other means of remedy more effectual, and not likely to be attended with mischiefs greater than those it was intended to cure. He instanced the relief the lord chancellor might experience in altering the administration of the law respecting bankruptcies. The noble and learned lord who spoke last was entitled to much praise for the attention he had paid to the alteration of a part of the law similar to that of bankruptcy; and he trusted he would pursue his intention of supplying the remedies which had been so often applied to the shame of the legislature—he meant temporary acts of insolvency. That measure of the noble and learned lord would require the appointment of a distinct court, and he did not perceive why a similar and distinct provision might not be made in the case of bankrupts.

Lord *Redesdale* had no desire to have this measure passed through parliament before the holidays; but under the consideration of its necessity, he trusted their lordships would agree to its passing that House, in order that it might go to the Commons as speedily as possible. With respect to the objection mentioned by the noble lord, as to the division of the office of chancellor, it must be recollected, that still the lord high chancellor would be constantly occupied in the decision of most intricate and important points of law before that House. It was impossible, therefore, that the office could be filled by an incompetent person, any more than in its present constitution. The lord chancellor would then equally, as now, be under the observation of the public; and, considering the importance of his legal knowledge in the advice of the crown, it was highly improbable that any minister would venture to appoint any other than a person whose talents and learning fitted him for the situation. The noble lord had suggested the propriety of separating the administration of the bankrupt law from the office of chancellor; but cases of vital consequence to the commerce of the country, more so than all the cases put together in the courts below, came before him for decision; and it would be perhaps dangerous to this department of the law, if the adjudication of these cases were committed to any other jurisdiction.—With regard to the salary of the new judge, there were other sources from whence it might be paid, without burthening the people. It would be considered, that the property of suitors, by various accidents, fell into the hands of Chancery, and had created a fund of considerable magnitude. The amount of this property now vested in the bank of England, exceeded 400,000*l.* and it would not require half of that sum to create a permanent salary for the vice-chancellor, and there could be no objection to the application of that fund for the purpose.

The Bill then passed through a Committee, and was ordered to be reported to-morrow.

HOUSE OF COMMONS.

Monday, December 7.

PETITION FROM LEICESTER CLERGY RESPECTING THE ROMAN CATHOLICS.] Mr. Lee Keck presented a Petition from the archdeacon and clergy of the archdeaconry and county of Leicester, setting forth,

"That the archdeacon and clergy aforesaid, take the liberty of stating to the House, that although they have hitherto been passive observers of the growing claims of our Roman Catholic brethren, the period is now arrived when silence might seem to sanction those general claims of freedom from all disabilities, which they beg leave to oppose for the following reasons; viz. that the repeal of the restrictive statutes, graciously intended to pacify the discontents of the Roman Catholics, hath only served to render their discontents less peaceful; that civil privileges awarded to them as the ultimatum of their desires, and, upon their own avowal, as closing the doors of parliament against them, were received with a secret reserve of being only *pro hac vice,* and have opened a still wider door for future demands: that concessions seem only to have begotten fresh concessions, to be repeated till nothing be left to be conceded, and that in the original formation of a civil government, the Roman Catholics might perhaps demand the allowance of their claims, but in one already formed, and whose constitutional laws are fundamentally hostile to such claim, they can only be granted upon the principle of expediency, and as an experiment which is pregnant with danger to civil and religious liberty, and therefore not to be hazarded; and that the petitioners do not and cannot consider this question in a political view, to the exclusion of religious principles, all the actions of moral agents being in one sense, and that the only guarantee of integrity strictly of a religious nature, not less so in the cabinet than in the church; and that the resistance of the petitioners is not founded merely upon any difference in the creeds of Protestants and Roman Catholics considered in the abstract, but upon the nature of this difference as involving tenets of exclusive salvation, foreign allegiance, and infallibility of general councils; that the baneful influence of these tenets is not to be ascertained from the exterior of society in Protestant establishments, where the number of Roman Catholics is comparatively small, not in Great Britain, where they are kept in check by the strong arm of Protestant power; but in Popish governments, by the persecutions of all without the pale of their own Church, but exclusive of facts, that their tenets are so incompatible with the civil and religious liberty of our constitution that they cannot harmonize together, there can be no communion of amity and unity between them; and is it to be imagined that the possession of political power will operate as a soporific on tenets always active in self-aggrandizement, and never quiescent unless in a state of compression; and that the petitioners cannot by any casuistry conscientiously pronounce a religion to be corrupt and idolatrous, yet appear to support it; renounce communion with it as erroneous, and yet do any thing that may contribute to the spread of its errors; invest its members with honour and power which may render their example more attractive, without participating in the corruption and idolatry of those who may thus be misled; and that the principles avowed at the Revolution, recognized and interwoven in the very texture of the Coronation Oath ever since, and with most religious firmness adhered to by the father of his people, our most gracious, venerable, and beloved monarch, throughout his very arduous reign, embolden us to hope that no peculiarity of times and circumstances will lead to the removal of those sacred bulwarks by which our ancestors have happily secured the safety of the Church, the throne, and the Protestant community at large; and that however desirous the petitioners may be to conciliate the esteem and prove their charity for their Roman Catholic brethren, by acquiescing in their claims, yet the paramount duty of preserving the existing establishments denies them that satisfaction, and obliges them to declare, in conjunction with the great mass of the Protestant population of the empire, and it is humbly hoped of Protestant Houses of Lords and Commons—*Nolumus Leges Angliæ mutari.*"—Ordered to lie on the table.

GREAT GRIMSBY ELECTION—PETITION OF ELECTORS.] A Petition of Charles Lowcock, William Wray, and William Nundy,

free burgesses, voters, and electors of the borough of Great Grimsby, in the county of Lincoln, who were voters and voted at the last election for members to serve in this present parliament for the said borough of Great Grimsby, on behalf of themselves and others, free burgesses and voters of the said borough of Great Grimsby, was read; setting forth,

"That, at the last election for the borough of Great Grimsby, on the 6th of October 1812, John Henry Loft, esq., Ebenezer John Collett, esq., Sir Robert Heron, bart., and John Peter Grant, esq., were candidates; and that the said petitioners, who have thereunto signed their names, were then and now are free burgesses and voters of the said borough, and voted at the said last election; and that, on the 5th of October last, being the day preceding the election, William Wardale, esq., the mayor of the said borough, and returning officer, held a full court of mayor, aldermen, common councilmen, and burgesses of the said borough, at which said court the said W. Wardale did partially and corruptly, wilfully, unlawfully, and of his own authority, admit certain persons to the freedom of the said borough who were not entitled thereto, and did neglect and refuse to submit to the consideration and judgment of the said court, the claimed right of such persons to be admitted to their freedom, which by the constitution and usage of the said borough he ought to have done; that the said W. Wardale did also partially and corruptly, wilfully, unlawfully, and of his own authority, refuse to admit certain other persons who were entitled and claimed at the said full court to be admitted freemen of the said borough, to their freedom therein, some of whom had been declared, decided, and established by a Committee of the House to have such claims, rights, and titles, and did also neglect and refuse to submit to the aldermen, common councilmen, and burgesses of the said borough, in the said full court assembled, the rights and claims of such persons to be admitted to their freedom of the said borough, and which, by the constitution and usage of the said borough, he ought to have done; that the said W. Wardale did wilfully, partially, corruptly, illegally, and of his own authority, in direct violation of the laws of the realm, the constitution and usage of the said borough, and also in wilful opposition to the decisions of Committees of the House, and which decisions had been established by Orders and Resolutions of the House, persist in discharging the said full court of mayor, aldermen, common councilmen, and burgesses on the evening of the said 5th of October, although he then knew that many persons who had rights and claims to be admitted to their freedoms of and in the said borough were then waiting and remaining in the said borough for that purpose, who had spoken to him the said W. Wardale thereupon, and to whom he had given his promise that the said full court should be adjourned until the next morning, as was usually and heretofore the case, and on which day, being Tuesday, it ought to have been held: but he, finding that the whole, or nearly so, of the persons then within the borough, who were likely to vote for the said sir R. Heron and J. P. Grant, whose cause and interest he had most publicly and glaringly espoused, had gained their admissions, he, by the most determined, wilful, and flagrant injustice, discharged the court, not only without putting it to the consideration and judgment of the aldermen, common councilmen, and burgesses, but in direct and positive opposition to the almost unanimous claim of them all, upon a motion put by one alderman, a burgess, and seconded by another alderman, a burgess, to have it adjourned to the next morning, as by law and the custom and usage of the said borough he ought to have done, but he actually did order the discharge, and did discharge the said court accordingly without any adjournment; and that, on the next day, the 6th of October last, being the day of election, great numbers of persons having undoubted rights and claims to be admitted to their freedoms of the said borough, did make application to and demand of the said W. Wardale, in court, to hold a full court, that they might be legally admitted, and did demand and claim to be so admitted to their freedom of the said borough, without which they were incapable of using their elective franchises and birth-rights at the said election for members to serve in this present parliament, and which said demands and applications for the said full court and admissions to the freedom of the said borough were supported by great numbers of the aldermen, common councilmen, and burgesses, to prevent such wilful, determined, and flagrant acts of injustice; but the said W. Wardale, did most wilfully, wantonly, vexatiously, cor-

ruptly, partially, illegally, and of his own authority, refuse to hold such full court for the admission of the said persons to their freedoms of the said borough, and did refuse to put their claims for their admissions to their freedoms of the said borough to the aldermen, common councilmen, and burgesses then and there assembled, but did most wantonly, vexatiously, and corruptly refuse to grant them their said freedoms of the said borough, and did proceed to the election without attending to those persons who unimpeachably claimed their freedoms by the unquestionable rights of birth, marriage, and servitude, which claims and demands were many times repeated in the course of the said 6th of October by the said parties, and by burgesses on their behalf, which said claims and demands the said W. Wardale constantly resisted and refused, as also to put their said claims and demands to the judgment of the said aldermen, common councilmen, and burgesses so assembled for their decision, which, according to the usage and customs of the said borough of Great Grimsby, he ought to have done; and, for the neglect of so submitting the said claims to the said aldermen, common councilmen, and burgesses so assembled, the said W. Wardale could not use the plea of ignorance, having been a gownman on the bench, and taking an active part and opposition to John Simpson the mayor and returning officer of the said borough in July 1802, when the said John Simpson took upon himself to decide like claims and rights without submitting them to the judgment and decision of the aldermen, common councilmen, and burgesses then and there assembled, for which the House, to mark its indignation, and to be a warning and example to other mayors and returning officers of the said borough of Great Grimsby, did commit the said John Simpson, the then said mayor and returning officer, to his majesty's gaol of Newgate: That the said W. Wardale, at and during the said last election, did act most partially and corruptly in the execution of his said office of returning officer, and did at the poll reject the votes of many persons having right and rights to vote at the said election, and who tendered their votes for the said J. H. Loft and the said E. J. Collett esquires, and which votes he, as such returning officer at the said election, ought to have received and admitted on the poll; and the only reasons that they were not so received and placed on the said poll, were his own acts of injustice, partiality, and corruption, in not holding the full court for their admissions to their freedoms of the said borough, and some of which persons had been decided to have legal rights by a decision of a Committee of the House on a former Petition being tried: That the said W. Wardale, the said mayor and returning officer, did, at the said last election, receive and admit on the said poll, for the said sir R. Heron, bart., and J. P. Grant, the votes of divers paupers, felon-convicts, non-resident or foreign freemen, and others who had no right to vote at the said election, and which votes he, the said W. Wardale, as such returning officer, ought to have rejected: That persons having rights to vote at the said last election, and who went for the purpose of tendering their votes for the said J. H. Loft, and E. J. Collett, were prevented going into the hall by armed persons, stationed at the door by the said W. Wardale, the said returning officer, and never could tender their votes; and that the said sir R. Heron, bart., and J. P. Grant were, and each of them, by himself, his agents, managers, and others, on their and his behalf, before, at, and during the said election, and before and during the poll taken at the said election, guilty of the most open and notorious bribery and corruption of the electors of the said borough, to give their votes for them and each of them the said sir R. Heron and J. P. Grant, and to refuse and forbear to give their votes for the said J. H. Loft and E. J. Collett, in order that they the said sir R. Heron and J. P. Grant might be returned members to serve in this present parliament for the said borough: That the said sir R. Heron and J. P. Grant, and each of them, by himself his agents and managers, and by other persons on his and their behalf, at and during the said election, and previous to the same, did, by gifts, loans and rewards, and by threats, promises, agreements and securities for gifts, loans and rewards, corrupt and procure, and attempt to corrupt and procure, divers persons, being electors of the said borough, to give their votes at the said election for them the said sir R. Heron and J. P. Grant, and each of them, that they the said sir R. Heron and J. P. Grant might be elected and returned members to serve in this present parliament for the said borough; that they and each of them also did, by gifts, loans and rewards,

and by threats, promises and agreements, and securities for gifts, loans and rewards, corrupt and procure, and attempt to corrupt and procure, divers persons being electors of the said borough to refuse and forbear to give their votes at the said election for the said J. H. Loft and E. J. Collett, that the said sir R. Heron and J. P. Grant might be elected and returned for the said borough: That the said sir R. Heron, bart., and J. P. Grant, and each of them, by himself, his agents, managers, friends, and other persons on his and their behalf, were guilty of the most open and public bribery and corruption, in giving sums of money, and promises and securities for sums of money to the corporation, and to and for the use and benefit of the corporation and corporators, such corporators being voters, and having had votes in the said last election for the said borough, and that they were also guilty of bribery and corruption in giving sums of money to and for the use and benefit of the said borough previous to, at, and during the said last election of members to serve in this present parliament for the said borough, in order that they the said sir R. Heron and J. P. Grant might be elected and returned members to serve in this present parliament for the said borough: That the said sir R. Heron and J. P. Grant did, after the dissolution of the last parliament, and after the issuing of the writ for the election of this present parliament, and at and during the said last election, by themselves and their agents, managers and friends, and by others on their behalf, and at their charge, and each of them, by himself, his agents, friends, and managers, and by others on his behalf, and at his charge, give, present, and allow to divers persons having voices in the said election, and to and for their use and benefit, money, meat, drink, entertainment, and provision, and make presents, gifts, rewards, and entertainments, and promises, agreements, obligations, and engagements, to give and allow money, meat, drink, provisions, presents, rewards, and entertainments to and for divers persons having voices in the said last election, and to and for the use, advantage, emolument, benefit, profit, and preferment of such persons, in order that they the said sir R. Heron and J. P. Grant might be elected and returned, and for their being elected and returned members to serve in this present parliament for the said borough, contrary to the common laws and customs of parliament, in violation and defiance of the standing order and orders of the House, and of the laws and statutes of this kingdom, particularly an Act of the 7th and 8th of king William 3, intituled, An Act for preventing charge and expence in the elections of members to serve in parliament, an Act of the 2d of king George the 2d, intitled, An Act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament; an Act of the 49th year of his present Majesty, intitled, An Act for better securing the independence and purity of parliament, by preventing the procuring or obtaining of seats in parliament by corrupt practices; and that the said sir R. Heron and J. P. Grant did each of them declare to those persons having voices in the said election, and which statements were made previous thereto, that they had the interest of two peers of parliament, by which means they acquired an undue influence over many of the voters who would otherwise have voted for the said J. H. Loft and E. J. Collett; and that by this unconstitutional mode, in violation of the orders of the House, and by other undue influence and means which were used, many votes were lost to the said J. H. Loft and E. J. Collett, for the purpose of the said sir R. Heron and the said J. P. Grant being elected and returned members to serve in this present parliament for the said borough: that by the above-stated and other unlawful means the said sir R. Heron and J. P. Grant obtained a colourable majority over the said J. H. Loft and E. J. Collett of votes upon the poll of the said last election, and were returned members to serve in this present parliament for the said borough of Grimsby, to the very great injury of the petitioners, and many other of the legal electors of the said borough, in manifest violation of their privileges and rights, and in open defiance of the laws and freedom of election: that the petitioners humbly conceive that the said J. H. Loft and the said E. J. Collett had the greatest number of legal and uncorrupted votes at the said last election; and praying, that the House will be pleased to take their most peculiarly hard case under their most serious consideration, and that they will grant them such relief as to the House may seem meet."

Ordered to be taken into consideration on the 16th of February.

Sudbury Election — Petition of

FREEMEN.] A Petition of the rev. John Newman, clerk, Thomas Fenn esq. John Addison esq., Robert Anderson, Robert Daking, Henry Hayward, John Holman the younger, Joseph Herbert the elder, John Burkitt, Edward Burkitt, James Ablitt the elder, and John Barker the younger, freemen of the borough of Sudbury, in the county of Suffolk, was read; setting forth,

"That, previously to, and at, the last general election, the petitioners were freemen of the said borough of Sudbury, and had, and claimed to have, a right to vote for members to represent the said borough in parliament; and that, at the said last general election, sir John Cox Hippesley bart. and Charles Wyatt esq., were candidates, and were returned as members having been duly elected for the said borough; and that, after the teste of the writ of summons for the election of proper persons to represent the said borough of Sudbury, and before the said election, and also at and during the time of the said election, and before the return made, the said Charles Wyatt did, by himself, and by his agents and friends, with his privity and consent, and by his directions, and on his behalf, give to divers electors of the said borough, or persons being, or claiming to be, electors of the said borough, and having votes at such election, money, meat, drink, entertainment, and provision, and the said C. Wyatt, his agents and friends, with his privity and consent, and by his directions, did also make and give such persons, so having votes as aforesaid, presents, gifts, rewards, and entertainments, and did also, previously to and at the time of the said election, make promises and agreements, and enter into obligations and engagements, to give and allow such persons money, meat, drink, provision, presents, rewards, and entertainments, in order that the said C. Wyatt might be elected as one of the representatives in parliament for the said borough; and that, by reason of such conduct, the said C. Wyatt acted in defiance of the standing orders of the House, and in violation of the laws and statutes of the realm, and thereby the petitioners submit to the House that the said C. Wyatt became and was incapable of being returned or elected to serve in parliament for the said borough; and that the petitioners submit to the House, that the said C. Wyatt, having so become legally incapable of being returned and elected as one of the representatives for the said borough, such votes as were given to him and in his favour are and ought to be considered as null and void; and that the return and election of the said C. Wyatt, ought also to be considered as null and void; and that the said C. Wyatt ought to be deemed no member duly elected for the said borough; and praying, that a day may be appointed by the House for taking the premises into consideration, and that the election of the said C. Wyatt may be declared null and void, and his incapacity to sit and vote as member for the said borough of Sudbury, be declared, and that the House will otherwise grant to the petitioners such relief in the premises as to the House shall seem meet."

Ordered to be taken into consideration on Tuesday the 16th of February.

HASLEMERE ELECTION—PETITION OF MESSRS. GRAVES.] A Petition of Richard Graves and of Samuel Colleton Graves, of Hembury Fort, in the county of Devon, esquires, was presented and read; setting forth,

"That, at the last election of members to serve in this present parliament for the borough of Haslemere, in the county of Surrey, the right hon. Charles Long, Robert Ward esq., and the petitioners, were candidates; and that George Frederick Gordon, who then exercised the office of bailiff of the said borough, and acted as returning officer thereof, did, after a poll had been duly demanded at the said election, postpone the commencement thereof unnecessarily and illegally to the next day at 12 o'clock, under a false pretence, for the purpose of harassing the petitioners by delay; and that the said G. F. Gordon was, at and before, and during, the said election, guilty of gross and corrupt partiality in favour of the said C. Long and R. Ward, to the injury of the petitioners, and did, by himself or his agent, after the dissolution of the last parliament, and the issuing the writ for the said election, and previous to the closing of the poll, allow, or cause or procure to be given and allowed, by various ways and means, to divers persons who had or claimed a right to vote in the said election, money meat drink entertainment and provision, and did make, and allow to be made, promises to give and allow money meat drink and provisions to such persons, or to the use and benefit of such persons, in order to obtain their vote at

the said election for the said C. Long and R. Ward; and that the said C. Long and R. Ward, by themselves or their agents, their friends or their adherents, after the teste of the writ, before and during the said election, by various ways and means, did give, allow, and promise and permit to be so given, allowed, and promised, money meat drink provision and entertainment to divers persons, or to and for the use of divers persons claiming a right to vote at the said election, in order to obtain their votes, contrary to the express law of the land; and that the said G. F. Gordon, as such returning officer, did illegally admit divers persons to vote at the said election for the said C. Long and R. Ward, who had no legal or good right to vote at such election, and rejected and disallowed the votes of several persons who had a good and legal right and title to vote at such election, and who tendered themselves to vote for the petitioners, and whose votes ought to have been received and entered on the poll; and that divers other persons, who were duly qualified to vote at the said election, and who were then and there present at the time and place of the said election, who were ready, willing, and desirous to vote for the petitioners, were intimidated by threats, and were thereby and otherwise prevented by the said C. Long and R. Ward, or their agents or others on their behalf, from giving their votes for the petitioners as they otherwise would have done; and that, by the aforesaid illegal and corrupt conduct of the said G. F. Gordon, as such returning officer, and by the said unlawful and corrupt practices of the said C. Long and R. Ward, by themselves, or by their agents or others on their behalf, the said C. Long and R. Ward obtained a colourable majority over the petitioners, and procured themselves to be returned for the said borough, to the prejudice of the petitioners, and in violation of their rights; whereas the petitioners allege that they had a majority of good and legal voters, who were willing to vote for them, and tendered their votes; and that the petitioners ought to have been returned for the said borough; and that the said C. Long and R. Ward were not duly and sufficiently qualified by law to serve in parliament for the said borough, and that they are also disqualified from being elected as members of the House by the pensions and places possessed by them or either of them, or to and for their use and benefit, contrary to the usage and privileges of the House, and to the express law of the land; and praying, that the said C. Long and R. Ward may be declared not duly elected, and that the petitioners may be declared duly elected, and the return amended accordingly, and that the petitioners may be allowed such relief as to the House shall appear meet."

Ordered, to be taken into consideration upon the 18th of February.

Address for Communications respecting the Slave Trade.] Mr. *Wilberforce*, observing that there had been recently published in the daily prints some circumstances of a nature calculated to excite the attention and anxiety of all those who felt an interest in the complete accomplishment of that most important object, the Abolition of the Slave Trade, and that it was highly advisable that the most satisfactory information relative to these circumstances should be laid before parliament, moved "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, copies of all communications from the governor of the Cape of Good Hope, and from the governor of the islands of Bourbon and Mauritius, received since the capture of those settlements respectively, so far as they relate to the carrying on of the Slave Trade in those settlements, or in any of the neighbouring islands."

Mr. *Browne* said, he did not rise to oppose the motion, but he could not refrain from saying that if an excuse were wanting for that sort of evasion of the Abolition Bill, of which the honourable member complained, it was to be found in that system of recruiting in Africa which had been lately established under the authority of government for the purpose of filling up the ranks of the Black regiments in the West Indies; a system which, while it had the effect of reviving, nay and of perpetuating all the evils of a trade which had been characterised as inhuman and unjust, had, at the same time, the effect of inducing in the eyes of Europe, a doubt of the sincerity and good faith of our intentions on the great question of the abolition of that trade, and at a time, too, when as his Majesty's ministers had before informed the House, they were using their utmost endeavours to effect a general

co-operation in the total abandonment of the trade, upon which that amelioration in the state of Africa which we contemplate must mainly depend. It was no answer to say, that the object of this recruiting establishment was to procure free persons only. He was at a loss to know where persons were to be found in Africa to exercise any discretion upon the question of enlistment, but admitting it to be practicable; still, as the procuring of men there was the object in view, and as that object might be accomplished by means not unlike the means resorted to during the continuance of the trade, which it would be out of the power of the government there to controul or prevent, that of itself, should have been a motive sufficient to prevent this evil establishment, at least with those who sincerely felt anxious to see the practical benefits of the abolition manifesting themselves in Africa.

Lord *Castlereagh* remarked, that as no objection was made to the production of the papers moved for by the hon. gentleman near him, whatever foundation there might be for the apprehension of the hon. gentleman who had just sat down, would be a subject better fitted for discussion on some future day when these papers might be on the table of the House.

Mr. *Bennet* wished to know whether or not, in spite of our efforts to prevent it, the Portuguese and Spaniards did not carry on a traffic for slaves with the British colonies—a traffic composed of piracy and oppression? He wished also to make another inquiry connected with this interesting subject. We had a chain of forts in Africa, which, during the existence of the Slave Trade, were used as depots for slaves. He was positively informed, that during last summer, the governors of some of these forts actually supplied no less than 47 Portuguese vessels with slaves. Had steps been taken by government to put an end to this shameful abuse?

Lord *Castlereagh* expressed his regret at not being able at that moment completely to satisfy the hon. gentleman's enquiries. He could assure him, however, that the exertions of his Majesty's government had been used most sincerely to prevail upon those countries with which they had any influence to concur in terminating this abominable traffic. He trusted that these countries were inclined to adopt the measures suggested to them for that purpose, and that the trade would soon be wholly suppressed. With respect to the statement made by the hon. gentleman, relative to the conduct of the governors of some of our forts in Africa, all he could say was, that the information alluded to by the hon. gentleman had not come within his knowledge.

The *Chancellor of the Exchequer* said, that the forts mentioned by the hon. gentleman were under consideration at the time of Mr. Perceval's death, but the change of government, which followed upon that event, prevented, as yet, any further consideration of the subject.

Mr. *Bennet* wished to know whether the government had received any communication respecting the breach of the Abolition Act by the governors of any of these forts?

Mr. *Goulburn* said, there had been one communication to that effect, made to the naval commander upon that station, but upon investigation it was found to have been groundless.

The motion was then agreed to.

Mr. *Wilberforce* proceeded to move for further papers connected with the same subject. He confessed that he had listened to the speech of the hon. gentleman opposite (Mr. Browne) with some disquiet, as, in the early part of it, there seemed an intimation similar to that which had so frequently been urged in parliament against the abolition itself, namely, that the existence of an enormity in one place justified the practice of an enormity in another. This disquiet, however, was removed by the conclusion of the hon. gentleman's observations. With respect to the scheme of enlisting Africans on the coast, to fill up the black corps in the West Indies, he confessed that he was acquainted with the original intention of carrying that scheme into effect, and that he thought it was accompanied by guards sufficient to prevent it from being abused. How far these guards had actually turned out to be adequate to their object, was certainly a question of considerable importance; and one which ought to be investigated deliberately, and not incidentally. But at any rate, it appeared to him that all idea of compulsion—of slavery—was wholly out of the question.—With respect to the conduct of our navy on the African station, it had been such as reflected upon it the highest credit. Even the common sailors had refused to share the wages of iniquity; in one case in particular, in which a number of

unfortunate African slaves, men, women, and children, had been discovered hidden on board a vessel professedly laden with cattle. These wretched beings had been induced to conceal themselves and to abstain almost from breathing, by the master of the vessel, who told them, that if they were discovered, they would be killed and eaten. They were, however, discovered and released, and this occurrence afforded an additional proof of that humanity by which our naval officers and seamen were no less distinguished than by their bravery, and the eminent services they had rendered to their country. As to the abuses that were alleged to have crept into the enlisting for the black corps, he repeated that they ought to be enquired into, and if they really existed, to be stopped. But he confessed he did not believe, that with the guards which had been devised, any such abuses could prevail. He concluded by moving, "That there be laid before this House, copies of all communications received by the lords commissioners of the Admiralty from the chief naval officer at the Cape of Good Hope, so far as they respect the carrying on of the Slave Trade in that settlement, or in any of the neighbouring islands."—Ordered.

Grant to the Marquis of Wellington.] The House resolved itself into a Committee of the whole House, for the purpose of taking into consideration the Prince Regent's Message, relative to the marquis of Wellington. On the Message being read by the chairman,

Lord *Castlereagh* said, that in calling the attention of the House to the Message which his Royal Highness had been graciously pleased to lay before them, he might, he believed, feel and express a confidence that, at least upon the principle of the Message, there could exist but little, if any variety of opinion. There was, he was convinced, no person who then heard him, that could feel any unwillingness to repay the services of so gallant and so distinguished an officer as the marquis of Wellington, with every title of honour that the crown could confer, and every pecuniary reward the country could afford to bestow. Whatever difficulty there might exist in the calculation of what was due to his services, and what was due to the nation; whatever might be the limits they would feel it necessary to impose upon the principle of the Message, and the generosity that dictated it, upon the claims of the gallant general, upon his signal services, upon his high merits and great achievements, there could exist no difference of opinion. The House should recollect, that the honours which had been hitherto conferred on lord Wellington by his sovereign, were not sought for by him; that such honours were not conferred merely for the gratification of the individual, to be worn by him as memorials of his military greatness, and testimonies of his sovereign's regard, they were conferred as an example to others—that they might feel those motives to noble exertion, to gallant service, and military fame, which could not fail to hold out a generous excitement to every person that had the happiness to live under our free and happy constitution. Honours of such a nature should be always conferred less with a view to the individual than to their general effects; but the House must also feel, that in conferring such honours, there was at least an implied engagement that they should be neither burthensome nor painful to the person who received them, but conferred in such a way as to make them worthy both of the crown and of the people. The honours with which the marquis of Wellington had been graced, were not merely bestowed by the crown, but were called for by the voice of the nation. And he might say with truth, that the sanction and approbation of that House had followed so closely upon the gift of the sovereign, that the honours of the brave general were not less under the sanction of parliament than of the crown. By such conduct they had, at least, marked the extent of his claims. Lord Wellington, though yet a young man, though much he hoped of his valuable life would be yet spent in the service of his country; however, young as he was, he had received more testimonies of his sovereign's favour than any subject who lived before his time, not excepting even the great duke of Marlborough. It was the singular fortune of that distinguished officer, that in addition to the rewards and honours bestowed by his sovereign, he had received upon six different occasions what was not less flattering or less honourable, the thanks of that House:—on lord Wellington, who was younger in years but not in experience, the thanks of that House had been conferred not less than eight times, six of which had been for his services on the peninsula, where he was opposed, not as he had been before to an Indian enemy, but to armies long accus-

tomed to victory, to armies commanded by men of the first military talents, trained in the school of danger and experience, confident of success, for they had been accustomed to conquest, with their laurels fresh and yet blooming round them. Such were the armies, such were the captains whose laurels withered before the brightness of his fame. Fortunately for the world, those laurels had been transplanted to another region where they would flourish, he hoped, for ever, not for the destruction of mankind, but for the protection of their liberties and their religion, and their rights. Never did the country produce a man who had received so large a measure of parliamentary and national approbation. No man had been ever so greatly and so justly distinguished. In the peninsula, taking all together, his catalogue of successes unchequered by any thing to diminish their glory, was the greatest that any individual ever before had to boast of. Those successes were in the recollection of the House. Every person who heard him must recollect the battle of Busaço, in which a victory was gained over nearly double numbers; the battle of Fuente de Honore, and other battles which, if not fought immediately under his eye, were fought at least under his direction; also the battle of Albuera; but, above all, the attack upon the bridge of Almarez, conducted by general Hill, under the direction of lord Wellington. Soult confessed, that from the moment of that successful attack, the measures he had planned with Marmont were completely deranged. The army of Spain was forced to act in two divisions, and its generals were prevented from their intended co-operation. It was indeed true, that his splendid course of military successes was not unchequered by retreat. Retreat, however, was not defeat: and in the retreat to which circumstances obliged him, he still gave evidence that the resources of a great mind did not forsake him. In short, within the space of four years, he had beaten the proudest marshals of France. He had beaten Marmont, he had beaten Soult, who was himself considered as a host; he had beaten Massena and Ney, and Jourdan. In no one instance did he lead a British army into the field, in which they were not crowned with glory and success. He presented the new and grand spectacle of four years successes, without any of the disasters that are naturally attendant upon military operations. It was not necessary to press these things upon the attention of the House, they were in the recollection of every person. The questions now for them to consider were; first, What was the policy; and, 2dly, What were the means of rewarding such services? With respect to the policy of rewarding military services, although there were many questions of policy, in the consideration of which he would not refer for examples to the councils of the enemy, there could not however be a better policy than theirs, in so far as it regarded rewards for military service. Let them look to France; could they find in that country one general of any merit, who was not loaded with all the rewards and the honours that it was in the power of their ruler to confer? Different, indeed, far different were they from the rewards and the honours of the gallant marquis; different in the grace that belonged to them; different in the services that gained them, and in the principle on which they were bestowed. They, it was true, were highly rewarded, but their rewards were such as the brave Wellington would disdain to accept. A right hon. gentleman (Mr. Canning) had truly stated upon a former occasion, that though placed at the head of the Portuguese army, the pay attendant upon which situation was not less than 8,000*l.* a year, when asked to accept that pay, he answered, that whatever services were in his power, he would be always willing to perform for Portugal; but as he received the pay of his own sovereign, he would not accept of it from another. The pay had been suffered to accumulate in the expectation that his feelings might at some time be prevailed upon to accept it. He was apprised that the money was to be delivered to him, but with a generosity never before excelled, with the noble self-denial of a soldier, he begged it should be disposed of for the Portuguese army.—Reverting to the system of the French army, the noble lord observed, that not only were the successful officers of that army rewarded with such honours as could be bestowed on them, but with possessions (which it was a disgrace to accept) granted out of the countries which they had devastated, in pursuance of that unjustifiable principle on which modern France had uniformly acted, of making the territory of one sovereign afford the means of desolating the dominions of another—Happily a different system pre-

vailed, and he trusted would ever prevail in this country. The troops of Great Britain went forth to fight for the interests and tranquillity of other nations as well as of their own; and their officers, although they might accept the honours conferred on them by the legitimate sovereigns of the countries in whose cause they were contending, were not disposed to avail themselves of any pecuniary advantage, unless it flowed from the country to which they belonged.—He now came to consider what, under all the circumstances of the case, it appeared to him to be becoming in parliament to grant in the present instance. If he had to consider lord Wellington's services in a similar point of view to that which called forth the munificence of parliament on a former occasion —if he had to consider them under circumstances similar to those under which lord Nelson's services had been considered —if such a calamity had occurred as the death of the noble marquis (and no greater calamity could befall the country than the loss of such a treasure); if the noble marquis were by such a melancholy occurrence put out of the reach of the further favour of the crown and the further notice of parliament, he should then, in submitting a proposition to the Committee on behalf of the noble marquis's family, be influenced by a very different feeling; but, considering that lord Wellington was comparatively young in the service, considering that he was placed in a great crisis, which had, indeed, principally arisen out of the noble lord's own exertions in the peninsula; considering that he might yet render important advantages to his country and to the world, he was not willing, however high his merit, that the honours of the crown and the bounty of parliament should be at once exhausted upon him. Under these circumstances he was anxious to submit to the Committee such a proposition as should at once mark their sense of his great and glorious services, and their recollection that he might, and in all probability would, experience the further favour of the sovereign and the further bounty of parliament. An additional motive to a concurrence in the vote which he should have the honour to propose, and which he was sure that the Committee would seize with avidity, was, that by a happy coincidence of circumstances, the manor of Wellington, from which the noble lord derived his title, had passed from its former owner into the possession of an individual who would be too happy, if parliament agreed to the proposed vote, to surrender it in order that it might be handed down to posterity, as the spot granted by the legislature in testimony of their approbation of the services of that illustrious individual by whom that title was first assumed. With this view, he was persuaded that the Committee would deem that he best discharged his duty by proposing that a sum of money should be vested in trustees for the purchase of lands to descend with the title of Wellington, and to be enjoyed by the future representatives of the noble marquis. He would, therefore, not trespass further on the time of the House, but conclude with moving, "That it is the opinion of this Committee, that a sum, not exceeding 100,000*l.* be granted to his Majesty, to be vested in trustees, for the use of the marquis of Wellington and such other persons on whom the title of marquis of Wellington shall descend, and to be employed in the purchase of lands, tenements and hereditaments to accompany the said title, and that the said sum be issued and paid without any fee or other deduction whatsoever."

Mr. *Whitshed Keene* did not rise for the purpose of opposing the motion. In all military cases, when a reward was asked, proper attention should be paid in proportioning it to the quantity of forces by which the achievement had been performed; but the success of the marquis of Wellington, especially considering the means he had at his disposal, had far surpassed the most sanguine expectations. Considering the price of landed property, he did not conceive the present grant as too considerable, and when he reflected that the marquis of Wellington's services were warm in the minds of every one, he even thought that the House might have gone farther.

Sir *Francis Burdett* said, that however strong the claims of lord Wellington might be, he could not think that they were much advanced by the advocacy of the noble lord or of the hon. gentleman who had just sat down. The noble lord had dwelt, with much satifaction, on the peculiar advantages and blessings of our happy constitution, under which such opportunities were afforded of rewarding merit; but before this praise was entirely acquiesced in, there were two considerations which presented themselves to those who were appointed the guardians of the pub-

lic property—namely, the merit of the claimant in the first place, and in the second, one of not inferior importance, out of what fund the proposed remuneration ought to come. On this last point he was of opinion, that while such enormous funds were in the hands and at the disposal of government, and while the amount of taxation was so great and so complicated, as to render its collection in a great degree impossible—while all this was the case, ministers ought to be ashamed to apply to the public purse. In the resources and the patronage they possessed, there were surely abundant means of remuneration; and it should be recollected, that when there was a general outcry against the number of sinecure places, the ready and constant answer was, that these places in the hands of government enabled them to reward the services performed by the servants of the public. If this were the defence, there could be no doubt that the funds accruing from those places should be appropriated as they were said to be. But there was also another fund on which it would have been more becoming in ministers to have drawn—he meant the Droits of Admiralty, which strictly ought to be appropriated to reward the services of naval officers, except where they were applied to the purpose which had been stated the other night, of indemnity in the case of American captures, in the event of a peace with that power. But when this fund was employed in grants to the princes of the blood, who did not hesitate to accept of them, and in other purposes equally foreign from their original and proper designation, he then thought that it might also be found fit to apply them on the present occasion also. With respect to the conduct of the noble marquis who was the subject of the present motion, the noble lord had told them that retreat was no proof of demerit; unquestionably not; and there were many instances on record of late years, in which retreats had been conducted in such a manner, and under such circumstances, as placed them far beyond the most brilliant victories; but this was the first time he ever heard that there was merit or glory in a most disastrous retreat. He was not perfectly sure that the military hospitals had not been abandoned, but from all that could be known from returns, private letters, &c. there was reason to believe that the losses incurred in the retreat from Burgos were not much less than in that of general Moore. Though a retreat might be no proof of demerit on the part of a general, he could not think it furnished grounds on which to call for parliamentary remuneration. To him, as a man of a plain way of thinking, it appeared, that the results of the campaign had been disaster and defeat. The victory of Salamanca appeared to be a victory forced upon lord Wellington. After that victory he could wish it to be explained whether it was good conduct to proceed against Burgos, whether in the conduct of that siege there was a want of ability in the commander, whether the project was a bad one, or whether the ministers of this country had given him positive orders to advance against it without furnishing him with the means of taking it. In one of lord Wellington's dispatches there was a singular paragraph; "Your lordship is aware I had little hopes of success at Burgos; yet after the battle of Salamanca it was necessary to proceed against Burgos, to ensure the success of the campaign." Thus, then, the consequence of that victory was disaster. He did not wish to undervalue the services of Lord Wellington, but the victories he had gained in Spain had none of the characteristics which distinguished those of the duke of Marlborough. The advantages that general gained he retained; yet it was not till after the decisive battle of Blenheim that parliament rewarded his services. Now in the peninsula it had been observed, and by military men too, that marquis Wellington had brought his army into difficulties, but his men had fought him out of them again, and that in the capture of the fortresses which he had won, a waste of life was to be complained of. This he understood to have been the case at Ciudad Rodrigo and Badajoz, which places had been stormed without a breach being previously made. A similar complaint he had heard respecting Burgos. He did not wish to divide the House on the grant, but he wished to move that the consideration of the grant should be deferred till some enquiry had been made into this extraordinary campaign. He did not see that flattering success which the noble lord thought he saw in the siege of Cadiz having been raised by the enemy. The cause of Spain to him appeared infinitely more hopeless than it was at the commencement of the campaign. If lord Wellington had never marched to Madrid, and if he had not

gained the battle of Salamanca, there would have been infinitely more hope than there was after those events had taken place, seeing the Spaniards had not joined us with that spirit with which ministers deluded themselves, and would fain delude the House to believe in existence. The reverse of this appeared to him to be the fact, and therefore he thought the case of the peninsula more deplorable than ever. He wished to move, "that the consideration of the grant be deferred till after the holidays."

Mr. *Robinson* observed, that though the hon. baronet had professed his ignorance of military affairs, he had nevertheless dealt with no sparing hand in military censures. The hon. baronet's opinions were so erroneous, that he could not possibly conceive how he had formed them, or where he had procured his information. He had talked indeed of military authorities, but without naming them, and he was aware that it would be useless to press the hon. baronet on that head. He had asserted that Ciudad Rodrigo had been stormed before a breach had been effected; the contrary was notorious; a breach had been first effected, and that breach, although most gallantly defended, was stormed afterwards; nor did he think that all the anonymous military authorities, quoted by the hon. baronet, could point out to him any other way of taking a town. At Badajoz two breaches had been effected, and it was owing to the attention of the enemy being diverted by a front attack on those very breaches, that general Picton succeeded in converting his false attack on the castle into a real one—a case not unfrequent in war, and always within the calculations of the general, as was the case with the marquis of Wellington. The same mistake seemed as if fatally to follow the hon. baronet when talking of the attack on Burgos, for no less than five breaches had been effected in that fortress, by sapping and mining. It was true the storming did not succeed, because the place was most bravely and ably defended; indeed such a resistance seldom was exhibited; but in the failure of that enterprize, of which he never entertained any sanguine hopes, he was at a loss to discover how lord Wellington was to blame. The hon. gentleman next adverted to the picture drawn of lord Wellington's retreat by the hon. baronet, at which he could not sufficiently express his astonishment. Where could the hon. baronet possibly have got his information? He had talked of our hospitals having been abandoned; in this, however, he could assure him, that he had been completely misinformed. Some few of our sick, whose removal would have been attended with certain death, had been, perhaps, left behind in the hospitals, as was usual in such cases; but he could assure the hon. baronet for his satisfaction, that the retreat had been effected in the most complete order. There was no haste, no trepidation, no uncertainty; the measure had been foreseen, formed a part of a general plan, and all the necessary precautions had been taken. The enemy did not come up in force against our army—there were only partial affairs between the van-guards and the rear-guards, and the amount of the loss on each day, except the last, had been transmitted by the marquis of Wellington, and regularly inserted in the Gazette. On that last day, the noble general had indeed mentioned that our troops had suffered severely, but nothing very disastrous could be concluded from that expression, as the distant cannonading had lasted only one day, and as the enemy had afterwards desisted from following our troops.—Adverting next to the hon. baronet's historical recollections, the hon. gentleman was sorry to find that in this he was no more at home than he was on military affairs.—The hon. baronet had stated that it was not till after the battle of Blenheim that the duke of Marlborough had received parliamentary remuneration; it was a fact, however, that long before that battle, and as early as the 10th of December in the year 1702, the duke of Marlborough had received from parliament an annuity of 5,000*l.*;* and Blenheim was, besides, the first victory of any importance he had obtained. Not so with the marquis of Wellington: it was not for the victory of Salamanca alone that the vote of 100,000*l.* was demanded for the noble marquis. The whole of his life had been devoted to the service of his country. All the advantages obtained in Spain were owing to his military genius, and if ever there was a case which called for an expression of national gratitude, it was the case of the marquis of Wellington.

Sir *Frederick Flood* was sorry that the defalcation in the revenue, during the two

* See the Parliamentary History, vol. 6, p. 57.

last years, prevented him from making the motion he at first intended to submit to the House, which was to double the sum proposed to be voted for lord Wellington, besides a monument to be erected in the country which gave him birth, he meant Ireland, for he was Ireland's pride and England's hope. It was cruel to impose titles on men who had served their country, without at the same time giving them the means of supporting them. He was now a marquis: he might next be made a duke, without the means of supporting those high dignities. It was a maiden grant, and ought to be vigorously executed (a laugh.) We should have in this metropolis a Wellington-house, as well as a Marlborough-house, and he should give his most hearty assent to a proposition for such an object.

Mr. *Protheroe*, in a maiden speech, said he should not follow the noble lord, or the hon. baronet, through the military details into which they had entered; but he must say, that he thought the hon. baronet had been guilty of the indiscretion which he unfoundedly charged on the marquis of Wellington—he had made an attack where there was no breach. Had the hon. baronet considered the subject with more deliberation, he must have seen, that there might be such a thing as a bold advance without rashness, and a skilful retreat without disgrace. He thought the House should cheerfully agree to the Message of the Prince Regent. Even posthumous honours were useful, and were paid to the immortal lord Nelson, as a stimulus to naval exertion: but with how much greater satisfaction should we be struck, if we could see the Nelson of the army,—the man whose name, like his, might become the common appellative of a hero,—living among us, and reaping the honours due to his services, in the munificence, the admiration, and affection of his countrymen? He hoped that nothing would interfere to detract from that munificence, and to diminish that admiring affection. The hon. baronet had alluded to the distresses of the country; but, although he thought himself as well acquainted with them, at least with the mercantile distresses, as the hon. baronet, he should not enter on the topic at present, as a fitter time would by and bye occur for that discussion: he felt as deeply for them, and wished as ardently to relieve them, as any of those persons who most indulged in lamentations over them; yet he thought, with respect to those distresses, that there was a time to speak of them, and a time to forbear. And he was sure, that the commercial interests of the country would feel indignant, were they to hear that their distresses stood in the way of the munificence of parliament. Instead of looking upon these distresses as a reason for a small or inadequate remuneration to lord Wellington, he would recommend to his Majesty's ministers a rigid economy in the several departments of the state and in the public expenditure, and this was the source from which he thought that a well-timed generosity might most effectually arise. By an union of the one and other, this would not only be a great and a powerful, but a prosperous, an united, and a happy nation.

Lord *Cochrane* expressed his regret, that instead of internal warfare, a system of external annoyance was not adopted, which, he contended, would be productive of the greatest advantages to the country, and would not only be more serviceable to the cause of Russia, but would enable government to dictate terms of peace to Buonaparté. This the noble lord thought so plain, as to preclude the necessity of demonstration. He concluded by assenting to the motion, as he was convinced that lord Wellington had done every thing which he could possibly have done, under all the circumstances in which he was placed.

Mr. *Whitbread* had had the misfortune to differ heretofore with a majority of the House, both with respect to the merits and services of lord Wellington, and the remuneration which was bestowed upon them. With respect, however, to the grant which was now proposed, it met with his entire approbation. By acceding to this vote, he did not conceive that he was expressing any opinion with respect to the situation of things in Spain: he at present wished to be considered as having consented to the vote merely in consideration of lord Wellington's own merits. If he had differed in opinion with others when the thanks of the House were asked for lord Wellington after the battle of Talavera, it was not because he did not think that the battle of Talavera was a great affair, but because he thought that lord Wellington had got his army into a great scrape, and that his army had fought bravely and extricated him. But he did not wish now to repeat what he had thought or said on former occasions. He

was not a military man; and when he was called on in his place to decide on the merits of military men, it was his duty to give the best opinion which he could form under all the circumstances of the case. It was the less to be wondered at that he had not formed a correct estimate of the merits of lord Wellington at that time, as his plan had not developed itself till the first retreat of marshal Massena, which led to operations at last terminating in the battle of Salamanca. By this developement he had stamped his character as a great general. The operations of both the French and the English generals were masterly. It had been acknowledged by lord Wellington, that he had never seen a more masterly retreat than Massena's; and the emperor of the French was understood to have been well pleased with that retreat. It had in particular been recorded of the part which marshal Ney had had in that affair, that it was one of the most meritorious military retreats ever known. With respect to the sieges of Ciudad Rodrigo, Badajoz and Burgos, never was more consummate valour and desperate courage shewn than on these occasions. At the siege of Badajoz, Philippon, and his brave troops, did every thing it was possible for men to do, before surrendering; but by the masterly conduct of the British, and in a particular manner by the efforts made by general Picton, that important fortress fell into the hands of lord Wellington. In war, the commander who attempted such daring achievements as these had only to show that they had succeeded to justify the undertaking them. He must pity the brave men who fell in the siege of Ciudad Rodrigo; but my lord Wellington had succeeded in that undertaking; and by that noble daring he had saved many lives which would have been lost at other places; so that the waste of lives during the whole campaign was on that account less than if that siege had not taken place. The plan of lord Wellington had been brought to a close, at the battle of Salamanca. He believed he had never intended to fight that battle; he was then in full retreat, and determined to continue that retreat. The most skilful manœuvring took place on both sides for two days, till at the last an opportunity was given him, by the fault of the French general, which led to the victory. The pursuit of the French was carried on for some time, and at last abandoned. Its object was the liberation of Madrid, and that object had been attained. He had beaten Marmont, Massena, and the pretended king of Spain; and he thought that by the taking of Madrid he would rouse that spirit in the Spaniards, which then lay dormant, and which is still latent. He hoped that they would begin to do better than they had formerly done. He afterwards advanced and commenced the siege of Burgos, and during that advance he believed that general Clausel had shewn himself a worthy antagonist. In the siege of Burgos he had certainly failed,—not because he had not made both breaches and assaults;—for, from the account of the gallant Dubreton himself, which he had that day seen in the newspaper, it appeared that no fewer than five breaches and assaults had been made, —but because these breaches and assaults had all been successfully withstood. An hon. gentleman who had spoken before him, and who always spoke well on every question (Mr. Robinson), took off from the merit of lord Wellington, by not stating the case as it exactly was. Whether the siege of Burgos was proper or not was a military question, which it was not for him to decide; but he was bound to suppose that lord Wellington had good reasons for the siege. After what he had seen, he thought it was no wonder if he expected to make up in celerity what he wanted in strength. He certainly had in the course of this campaign afforded Spain a great opportunity of making exertions in its own cause. He could not agree with the noble lord in the soliloquy which he, the other night, put into the mouth of that gallant commander, beginning with "My great genius;" but he believed that the noble lord had conducted the campaign with considerable military skill; and it appeared by intercepted communications and other channels of information, that the French marshals themselves, entertained an high opinion of his lordship's military skill, from the manner in which he conducted his retreating army across the Agueda. He was convinced that the House and the country at large, were fully sensible that lord Wellington had performed great military services; and if the crown thought proper to reward them with the honour of a marquisate, the House and the public would think it right to vote him immediately the means of supporting that dignity, without waiting for the discussion of what might be spared from indirect and precarious funds, the application of which might

form a subject of distinct consideration on a future occasion. He did not like the comparisons which had been made between the noble lord and the duke of Marlborough. Each of those illustrious commanders had sufficient merits of their own, upon which their fame might rest; but since the comparison had been made, he would say, that it was precisely upon pecuniary points that the character of the duke of Marlborough was vulnerable; whereas upon those points the disinterestedness of lord Wellington was perfectly known; and in those points he was a truly meritorious servant of the public. We were told that some great statesmen were somewhere to be found who would have done a great deal more in the peninsula, if they had been in office. He did not wish to see those conjurors in office, as he thought that the resources of the country were already strained as far as they would bear in the prosecution of the war. The right hon. the Chancellor of the Exchequer had, in his defence of ministers, told the House, the other night, that they had spent upwards of eleven millions on this war, in the course of the last eleven months. Now as he was sure that every thing confided to lord Wellington had been employed with judgment, he thought a vote of 100,000*l* not too much to reward his great services. He, therefore, entirely concurred in the grant of the sum proposed, and thought that it should be given by a direct vote.

Mr. *Canning* declared, that he should deem it an encroachment upon the time and a waste of the attention of the House, if after the opinions expressed and the military criticisms delivered on this occasion, he were to attempt to do more than to state how fully he participated in the admiration felt at lord Wellington's achievements, and in a sense of the justness of that remuneration which had been proposed. He was inclined to concur most cordially with the proposition, not only on those grounds which had been adverted to, particularly by an hon. gentleman (Mr. Protheroe) who formed one example of the acquisitions which the new parliament had made, but on others of a more general nature. He concurred in it from a feeling, that we had within the last few years raised ourselves to the same equality at land, more than which we had possessed at sea, and that to the individual to whom we owed this augmentation of glory and advantage, no remuneration could be too splendid or too generous. No man who looked back at what our military policy was some time ago, and compared it with our present views and character, but must see that through the success and merits of lord Wellington we had become a military people, and that by a series of achievements, each rising above the other in grandeur, he had, although yet in the youth of his glory, acquired for himself a renown equal to that of the first captain of his age. When the House looked back to that period at which our warlike preparations were confined to plans of fortifying the Thames instead of driving the enemy beyond the Tormes and the Ebro, they could not fail, not merely to recognise in lord Wellington the 'decus et tutamen patriæ,' as one who had not merely formed a school in which others might be taught to succeed and follow him in his career of glory, but to perceive in him at the same time the hero, who, whilst he wielded the thunder of his native land, was the tutelar genius of allied and dependent states, the protector of oppressed and prostrate powers. The picture which history would trace, for the instruction of posterity, would unite, therefore, with the figure of the successful commander, the attributes of a benevolent spirit, extending a guardian influence over recovering, though fallen nations. All must admit, that by the exertion in Spain, Europe had been enabled to reflect on her condition; and when Buonaparté's situation, though perhaps not irretrievable, was contemplated, we had not only evidence of this, but an illustration of the different principles on which the war was conducted. Lord Wellington advancing to the succour and liberation of Spain—Buonaparté marching to the devastation of Russia, exhibited striking examples of the different objects by which the two empires were directed in their mutual hostility. At such a moment, when

> Expectation sits in the air
> And hides a sword from hilt unto the point,
> With crowns, imperial crowns and coronets—

it might not be useless to compare the rewards which Buonaparté was anticipating from conquest and desolation, with those pure enjoyments which lord Wellington sought for in the acknowledgments of a benefited and grateful country. An hon. baronet had expressed a wish that the sum proposed to be voted should be taken from other funds. For his own part he was confident that the people would feel de-

frauded, were they to be deprived of the opportunity of doing justice to their great commander, and if the House were to attempt to scrape up a provision out of the leavings of obscure and secret funds, he felt that they ought not to pollute the vote, by seeming to apologise for the gratitude they evinced, or by endeavouring to show that they were grateful at no expence. He rather hoped that they would be anxious to show, that as the crown had run before them in one instance, they were resolved to keep pace with its wishes in another. He understood it was proposed to lay out the 100,000*l.* in the purchase of lands to be attached to the title of Wellington. Now, lord Wellington's children were all sons, but they might have only female issue. He presumed that it was not intended the title should fail in that case. He thought it necessary not only that the immediate descendants of such a man should be provided for, but that the grant of that night should insure to their posterity that result which Englishmen could not but wish to see,—as a lasting monument to the memory of their great ancestor.

Lord *Castlereagh* observed, that matter would come to be considered in the Bill. It was the wish of ministers that the grant should be made on the most liberal principles.

Sir F. Burdett's Amendment was then put and negatived without a division. After which the original Resolution was agreed to.

HOUSE OF LORDS.

Tuesday, December 8.

Insolvent Debtors' Amendment Bill.] Lord *Ellenborough*, in presenting this Bill to their lordships' consideration, took occasion to remark, that the Insolvent Debtors' Act of last session had contained a clause, extending relief to debtors confined for sums exceeding 2,000*l.*, but great doubt and difficulty had arisen in attempting to carry this clause into execution. The provisions of that part of the act directed, that a barrister of each court should be appointed, under the chief justices and the chief baron, to meet and examine into the respective cases of those who intended to take the benefit. But this clause having been added to the Bill, had subjected its execution to considerable deficiency. One omission was, that no power or direction was given, whereby these prisoners could be brought with safety before the barristers, without, in case of escape, subjecting the gaolers to responsibility; besides, there was another material defect, for after the barristers had inquired, which they had done by going themselves to each of the prisons in the metropolis, they had reported to their respective courts the result of their examinations; and yet no direction was given how the discharge was to be made out. Under these circumstances, it was necessary to apply to the legislature, and the Bill which he held in his hand was calculated to remedy these defects. It provided, that the barristers should have more ample power; that a warrant might be issued under their hands, authorising the gaolers to bring before them the prisoners described; it also provided, that the barristers might administer the necessary oath, which was left unexpressed in the former act; and further directed the investment of the prisoners' property in the hands of the clerk of the peace of the county, for the benefit of their creditors. Another provision was, that the decision of the barristers should be final. With respect to the bringing up of prisoners not confined in the gaols of the metropolis, it was directed they should be brought up by application for a Habeas Corpus to one of the judges of the Court. The noble and learned lord having stated the nature of this Bill, moved that it now be read a first time.—The Bill was accordingly read the first time.

HOUSE OF COMMONS.

Tuesday, December 8.

Petition against the Catholic Claims, from the University of Cambridge.] Lord Palmerston presented a Petition from the chancellor, masters, and scholars of the University of Cambridge, against the Claims of the Roman Catholics. His lordship observed, that an idea having gone forth that this Petition had been framed and determined upon, without the usual notice for non-residents to attend the convocation, he thought it proper to state, that a notice of six days had been given, which exceeded by three days that which was given on ordinary occasions.—The Petition was then read, setting forth,

"That the petitioners understand, with great anxiety, that a Bill is soon to be offered to the House for the removal of the restrictions which are imposed by law on

those who profess the Roman Catholic religion in these realms; and that the petitioners are fully convinced that the control of any foreign power implied in such Bill over the government of this country either in Church or State, is not only inconsistent with the form of our constitution, as established at the Revolution, but moreover, by destroying the independency of our Church and nation, is contrary to the first principles of all civil government; and that the power of the Pope, though for various reasons diminished in the public estimation, is notwithstanding more to be dreaded by us now than ever, being itself brought under the control, and, if occasion should offer, likely to become the dangerous instrument, of a foreign and inveterate enemy; and that the petitioners are the more confirmed in the apprehensions of foreign interference, by observing that, notwithstanding all the concessions made of late years by our legislature in favour of the Roman Catholics, yet the tenets of their Church have admitted of no relaxation, but continue the same as ever, particularly those the most obnoxious and dangerous, of still advancing and maintaining the supremacy of the Pope, in all spiritual matters, above the supremacy of our own sovereign; and that the petitioners, as becomes a Protestant University, have never been adverse to the rights of toleration or liberty of conscience, to which they are and have been most sincere well wishers; but they are most seriously alarmed at the idea entertained of admitting Roman Catholics to legislate for a Protestant Church, to which, as we have thus seen, they are from principle and systematically hostile; and praying, that no such Bill may pass into a law."

PETITION AGAINST THE CATHOLIC CLAIMS, FROM THE BOROUGH OF GRANTHAM.] A Petition of the aldermen, recorder, comburgesses, and burgesses of the borough of Grantham, in the county of Lincoln, and inhabitants of the said borough, and the soke and vicinity thereof, was also presented and read; setting forth,

"That although the petitioners entertain towards the Roman Catholics no spirit of intolerance, no desire of dominion, yet it is their firm opinion that, in unqualified concession, the constitution is exposed to a new, an untried, and a great danger; and that the petitioners consider the unqualified repeal of those laws on which the remaining Catholic disabilities depend, would be inconsistent with the spirit and safety of the British constitution, and the laws which have been enacted for the security and defence of the Protestant established religion, particularly the Act of Settlement, whereby the crown is limited to his present Majesty's illustrious House, which act secures our religion, laws, and liberties, and which the statute declares to be the birthright of the people of England: and that the petitioners therefore watch with jealousy those bold demands which aim to subvert our guardian securities, and humbly pray, that the House in its wisdom will deem it expedient to defer the consideration of this great question till the Roman Catholics urge claims with that temper and moderation which would best become their appeal to the highest authority of the state."

The said Petitions were ordered to lie upon the table.

GALWAY ELECTION—PETITION OF JOHN JOYCE AND OTHERS.] A Petition of John Joyce, Pat. M. Lynch, John Lynch, Alex. Nicholas Browne, James Finn, and John French Madden, was read; setting forth,

"That, at the late general election for the town and county of the town of Galway, Valentine Blake of Menlo, in the county of said town, was a candidate to represent the said town and county of the town of Galway in parliament; and on that occasion, the hon. Frederick Ponsonby was also a candidate for the like purpose; and that, by virtue of divers charters, there exists in the town of Galway, which is and was a great town in the reign of Henry the 7th, a corporation known by the name of the mayor, sheriffs, free burgesses, and commonalty of the town and county of the town of Galway; and that the right of election is vested in the freeholders thereof, and also in the freemen of the said corporation of said town when lawfully admitted and duly qualified to vote on such elections, the said freemen being a component part of the commonalty of the said corporation; and that the said election, which commenced on the 16th, continued from day to day until the 31st of October last, during which period certain voters, to the number of 159 freemen and freeholders, duly qualified, voted for the said V. Blake, and certain persons, to the number of 311, were permitted by the

sheriffs to poll, and vote for said F. Ponsonby; and the petitioners further shew that of the above number of 311 persons who were so permitted by said sheriffs to vote for said F. Ponsonby, divers persons were permitted to vote as freemen of the corporation of the town of Galway, although such persons never were legally admitted freemen of the said corporation, nor did there appear to be any sufficient evidence of their having ever acted as freemen or done any corporate act, inasmuch as the only evidence of their admission as freemen was one of the corporation books, by which it did not appear that any person legally qualified vouched or certified their admission, nor any evidence of their having qualified as freemen, or taken the oaths prescribed by the charter of the said corporation; nor did there appear to be any stamp or any document of their alleged admission as freemen into said corporation as prescribed by act of parliament; and the petitioners further shew, that the above number of persons were not residents in Galway at the time of their alleged admission to the freedom of the said corporation, nor did they ever reside therein; that the said number of persons were composed of the principal part of the tenant peasantry of the right hon. Dennis Bowes Daly, of Dalystown, in the county of Galway, the uncle-in-law of the said F. Ponsonby, and his alleged representative on the hustings at said election; that they were, for the most part, totally illiterate, and incapable of speaking the English language, and admitted to their freedom, if at all, by several hundreds at a time; that the petitioners shew that they were occasional voters, made for the purposes of election, contrary to the law of parliament; that a considerable part, if not the whole number of said persons, declared at the hustings, that they did not recollect ever having exercised any corporate act as freemen, or had ever taken the oath prescribed to freemen, but had, on the morning of the day of their voting, or the day before, and after said election had been commenced, been sworn by the right hon. D. B. Daly in an adjoining room which had been kept locked, and no person admitted to enter, save the said persons about to be sworn, and one or two of the dependants of the said D. B. Daly; that they declared, when about to vote, that they had been sworn in the aforesaid manner before the said D. B. Daly as freemen, said D. B. Daly being at that time and still mayor of the said town of Galway, although it was objected, that even if in every other respect they were freemen, that such qualification as freemen was not valid within the act of parliament, they not having qualified within six months anterior to the teste of the writ of election; they further declared, that they were so sworn by said D. B. Daly for the purpose of voting for said F. Ponsonby on said election; and the most considerable part of the above number declared, at the time they were voting for said F. Ponsonby, that they were ignorant of the name of the other candidate, although the said V. Blake now resides, and has since his birth resided, within the county of the town of Galway; and the petitioners further shew, as further evidence of their being occasional voters, that 158 of the above number admitted, at such their time of voting, that they had all, on one and the same day, been entered upon the corporation books, as they alleged, and at a time when many of them were minors, for the purpose, as they alleged, of being brought forward at some future day of voting for the said D. B. Daly, or his nominees; that the petitioners further shew, that divers persons who voted for the said hon. F. Ponsonby declared themselves Roman Catholics, yet did not produce any legal document or certificate of their having duly qualified themselves to vote as such Roman Catholics; and the petitioners further submit, that said oaths so administered were irregular, as not having been made before one of the judges of his Majesty's four courts in Dublin, or at the quarter sessions of the peace in the county where said Roman Catholics resided, none of them having ever resided within Galway; and further, inasmuch as no request was made by said F. Ponsonby, the other candidate, to said sheriffs, to appoint magistrates to administer to Roman Catholics said oaths of qualification, nor did, in fact, said sheriffs ever make such appointment; and the petitioners further shew, that the persons entitled to their freedoms in said corporation, under the Irish act of 4 Geo. 1, c. 15, and under the charters of said corporation, when duly qualified by taking the oaths thereby prescribed, were rejected by said sheriffs as persons not qualified under the above statutes and charters, although they had, long anterior to the teste of the said writ, applied for their freedom, and offered to qualify for same, but were repeatedly refused the op-

portunity of so qualifying by the right hon. D. B. Daly and those under his influence; and the petitioners shew, that they are particularly aggrieved in this instance, because the several persons in this respect, to the number of nearly 30, declared at the hustings, that if they were admitted to vote, they would have voted for V. Blake; and the petitioners further shew, that said sheriffs, at said election, permitted to poll at said election for said F. Ponsonby, four freeholders not duly qualified to vote, one of said freeholders having agreed to sell and assign the whole of his freehold, and to give possession thereof in March next, without any reservation, two whereof having no freehold whatever, and one who had not duly registered his alleged freehold; and the petitioners further shew, that, in order that the fullest evidence of the petitioners' objections might appear on record, the petitioners, and those concerned for them, required that the objections of the petitioners to the voters who were unduly admitted, and the answers and admissions of said voters for said F. Ponsonby, might be entered and taken down by the sheriffs on the poll book, which they uniformly refused to do; that the petitioners humbly shew, that, by the several means aforesaid, the said F. Ponsonby obtained a colourable majority over the said Valentine Blake; but that the said V. Blake had a very large legal majority of votes in his favour on said poll over said F. Ponsonby; and that said sheriffs should and ought therefore to have declared the majority on said poll in favour of the said V. Blake, and to have him declared duly elected, and to have made their return accordingly; whereas the petitioners shew that they made their return that said F. Ponsonby was duly elected; and praying the House to take the petitioners' case into consideration, and to appoint a committee to try the merits and validity of said election, according to law, and grant the petitioners such relief in the premises as the House shall deem proper."

Ordered to be taken into consideration on the 11th of February next, at the same time that the Petition of Valentine Blake, esq. is ordered to be taken into consideration.

Charitable Estates Bill.] Mr. *Lockhart* rose, in pursuance of his notice, to move for leave to bring in a Bill to prevent the trustees of Estates given for Charitable uses from granting long and improvident leases. Having adverted to the acts already passed to secure the due appropriation of donations for charitable purposes, he proceeded to observe, that it yet remained for the legislature to adopt some measure, the object of which would be to prevent the trustees of donations, such as he had described, from granting leases of lands or other property, for terms, which, in the common acceptation of the word, might be considered improvident. What he called improvident, were those leases which exceeded 14 years. It was not his wish to meddle with any of those leases which had hitherto been granted, nor did he mean to oppose the grant of long leases, where the interest of the estate required that such leases should be given, namely, where the estate was to be improved by building or otherwise, but to prevent any difficulty on this head, he should introduce a clause into the Bill, empowering the bishop of the diocese, in which leases were to be granted, to decide as to the length it might be expedient to grant them, and calling upon the trustees to make application to him before such leases were granted. In all estates, where rack-rents were exacted, however, he should propose, that no lease should be granted for a longer period than for 14 years, and that where such leases were to be given, the circumstance should be made public, in order that a fair competition might take place, so as to secure an adequate price for the property to be leased. These regulations he had no doubt would not only tend to the better attainment of the objects for which charitable donations were left, but to the general improvement of agriculture. The hon. and learned gentleman having concluded by moving for leave to bring in his Bill, the motion was agreed to, and the Bill ordered to be brought in accordingly.

Gold Coin Bill.] The *Chancellor of the Exchequer* moved the order of the day, for the second reading of the Bill to continue an Act of the last session of parliament, for making more effectual provision for preventing the current Gold Coin of the realm from being paid or accepted for a greater value than the current value of such coin; for preventing any note or bill of the governor and company of the Bank of England, or of the governor and company of the Bank of Ireland, from being received for any smaller sum than

the sum therein specified; and for staying proceedings upon any distress by tender of such notes.

Mr. *Whitbread* moved, that the 2d and 3d of the Resolutions which, upon the 14th of May 1811, were reported from the Committee of the whole House, to whom it was referred to consider further of the Report which, upon the 8th of June 1810, was made from the Select Committee appointed to enquire into the high price of Gold Bullion, and which were then agreed to by the House.

The Resolutions were accordingly read, and are as follow:

"2. Resolved, That the Promissory Notes of the governor and company of the Bank of England, are engagements to pay certain sums of money in the legal coin of this kingdom; and that, for more than a century past, the said governor and company were at all times ready to discharge such Promissory Notes in legal coin of the realm, until restrained from so doing, on the 25th of February 1797, by an order of council, confirmed by act of parliament.

"3. Resolved, That the Promissory Notes of the said company have hitherto been, and are at this time, held in public estimation to be equivalent to the legal coin of the realm, and generally accepted as such in all pecuniary transactions to which such coin is lawfully applicable."

Mr. *Creevey* said, that it was impossible for him to allow this Bill to be read a second time without entering his protest against it, viewing it as he did, as a Bill of the greatest atrocity. (Cries of hear, and a laugh.) He repeated the term atrocity, for he knew of none which was more applicable to it. He was sure the House would be unwilling to enter into a lengthened discussion on the Bullion Question, but he only wished to state shortly his objections to this fatal Bill, which originated out of the Report of the Bullion Committee, who had been appointed for the purpose of inquiring into the causes of the high price of gold. That Committee stated that the market price was 4*l.* 10*s.* an ounce, while the standard price was 3*l.* 17*s.* 10*d.* and that the amount of the depreciation of the currency was 15 per cent. In consequence of this statement a distinguished member of the last parliament (Mr. Horner), who had also been chairman of the Bullion Committee, endeavoured to induce the House to adopt a series of resolutions, in which he proposed to bring back the currency to its proper standard, by constraining the Bank of England to resume payments in specie within two years; but, in the mean time the right hon. the Chancellor of the Exchequer proposed, as a nostrum, what had been read by the clerk, at the suggestion of his hon. friend, and which went to establish the monstrous proposition, that a pound note and a shilling were equal to one pound one in gold. Since that period, gold had been sold at 4*l.* 14*s.* an ounce, which was a depreciation of 20 per cent. A noble lord (King) then took a resolution to confute the doctrine held out in the resolutions by compelling his tenants to pay their rents in gold, when a law was passed to prevent it. This law was temporary, and had been once renewed, and would expire in February next; it, therefore, became necessary to know the price of gold at this period before they renewed the law. The right hon. gentleman had come to his resolutions when there was a depreciation of 20 per cent. and he now came to renew the law when the price of gold in the market this day was 5*l.* 5*s.* an ounce, being a depreciation of 35 per cent! and yet the right hon. gentleman gravely introduced the Bill, and seemed surprised that it should provoke any discussion. But did the right hon. gentleman really believe that paper and gold were of the same value, or that the law had succeeded in making them so? He could not think so; but if this monstrous law was repealed, gold and paper would find their respective value, and no want of the former would remain. From what had been said the other evening relati[illegible]o the offer of 27,000 guineas to [illegible]nent, it was likely that the eyes o[illegible]ight hon. gentleman were opened a li[illegible]o the difference between paper and gold.—He had lately accompanied a friend of his to a shop, for the purpose of disposing of some light guineas, and the price his friend was offered, was 1*l.* 7*s.* 2*d.* for his light guineas. Would the right hon. gentleman, then, contend, that the owner of good guineas was not injured by the operation of this law, for if he took them to market he must lose seven shillings in the sale of them? What, then, must he do with his gold? If he hoarded it, it became unproductive; if he clipped it, he was subjected to the penalties of the Clipping Act; and if he came forward and demanded the fair value, the right hon. the Chancellor of the Exchequer would

come down upon him with the terrors of fine and imprisonment. Was there ever, then such a violation of the right of property? And what advantage resulted from it? Was the state benefited? only so far as it enabled them to pay their creditors in depreciated currency; but in all cases of public expenditure, the state suffered as much as the private individual. As for all the great public creditors, they were in the same situation—they lost 35 per cent. or one third of their property. Thus the public, the annuitant, the public creditor were losing—and who were the gainers? He knew of none, except the Bank of England. The directors of that company were told in 1797, that they might defraud their creditors; and in 1811, they were again told, that they might go on in the same system. They exported coin, and as it disappeared paper became depreciated. What check was there, then, on the discretion of the Bank? These gentlemen, when examined before the Bullion Committee, had confessed, that in regulating their issues they never looked to the price of gold, or to the course of exchange, and that so long as a bill was brought to them with a good name at its back, they would issue to any extent. This was the theory of these gentlemen; what was their practice? They had divided six millions in bonusses, besides increasing their interest from seven to eleven per cent. The danger from depreciation being such on this account, besides the danger from a shock of public confidence, it became the House to take time for consideration, to reflect whether it would not be better for them to retrace their [illegible] than to proceed. The time also a[illegible]ch the Bill was brought forward, was objectionable, Half the members were not present, and of those who were, a greater proportion were new than had ever been known before. As it was improper at such a time for the House to pledge itself to continue this act, and as it did not expire till the end of February, he should move that the Bill be read a second time on the 3d of February.

Mr. *Brand* said, he was extremely anxious to hear what the right hon. the Chancellor of the Exchequer had to say on the present occasion. The hon. gentleman then objected to two parts of the Bill; first, that which in pursuance of the ridiculous resolution of the Chancellor of the Exchequer, made the bank paper equal to gold; and second, to that part which took from lessors the power of distraining for rent after tender made of Bank of England notes. The only effect of the first part would be to increase hoarding, or perjury and crime, and that of the second to reduce the lessors of lands to the same state with the public annuitants. One observation made by his hon. friend, he could not concur in. If the Bank of England were unconnected with government they would be able to answer all demands on them. He certainly was astonished at the little knowledge of the subject shown by the gentlemen of the Bank, who had been examined before the Bullion Committee, but he was assured that if they had not been swayed by government, but had been left to follow their own bias, they would have acted in a manner consistent with the welfare of the country. He concluded by saying, that he should be unwilling, that the Bill should be pressed through the House at any time, but especially at the present.

The *Chancellor of the Exchequer* said, he had no intention of preserving any disrespectful silence on a question of such great magnitude; but he had been desirous of hearing to what particular view of it the observations of members might be directed before he answered any general or partial objections. He was apprehensive, otherwise, of being drawn into a prolixity which might not only be tedious, but unnecessary, after the long and reiterated discussions which this subject had undergone. He now saw, that the favourite view taken was, the practical one, and to this, therefore, he should chiefly confine himself. The question of depreciation had been entertained, he wished the House to remember, at a period considerably earlier than the appointment of the Bullion Committee. In 1807 it had been argued in the other House of Parliament by lord King, and the same arguments then urged by him, were afterwards brought forward more amply by the Bullion Committee. In the year 1811 the same noble person had thought proper to adopt a proceeding which made it appear to parliament necessary to pass that act which it was the object of the present Bill to renew. It was not his desire to attribute to that noble individual any unworthy motive for this conduct; on the contrary, his persuasion was, that the noble lord was only desirous of confuting him (the Chancellor of the Exchequer) and of furnishing a practical example of the correctness of his own

theory. They had also the evidence of a Mr. Monck on the same side of the question, who said he would not accept of Bank of England paper at the same rate of value as gold. The reason of which was obvious: Mr. Monck was a coiner of local tokens, and for his purposes, gold or silver was much more useful than paper. With regard to the practical question, he put it to any one of the Bullion Committee to say if it would be wise to cause the Bank to resume its payments in specie at this period; and if not, would it be expedient to pass a law, as they had formerly proposed, to fix the resumption of cash payments at any specific time, the circumstances of which they could not foresee? He had at that time pointed out to the satisfaction of the majority of the House, that similar rises in the price of the precious metals had taken place when there was no paper currency at all, and when there was a paper currency convertible into its nominal value in money. This proved that the rise did not depend on the depreciation of the paper currency. It was true, as asserted on the other side, that gold had advanced in price within the last year, and the argument they would draw from this was, that the circulation of paper had increased, and consequently its worth diminished. Now the case was not so, and this fact afforded another argument in confirmation of the fallacy of their reasoning. For his part, he found a sufficient cause for the rise of gold in the vast augmentation of our foreign expenditure: and still more in the total interruption of the supplies of the precious metals from South America, which in itself was sufficient to account for the advance upon those metals in the market. The circumstances of the present year were also somewhat remarkable. After the debates of last session the price of bullion remained for some time pretty steady; but of late it had risen suddenly to the extent stated by the hon. gentleman opposite. It had so risen on the opening of the intercourse with Russia, whence an excessive demand had occasioned a similar rise all over Europe. The nostrum of the Bullion Committee was to resume payments in cash; but where was it to be got? The mines of America were stopped, and the balance of trade was against us with every other country. It appeared then, that we must either have sacrificed our political prospects, withdrawn our army from the continent, and have [illegible] the [illegible] of Europe, or we must, for the present, have continued the bank restrictions. Happily for our character, honour, and greatness, the latter alternative had been adopted. —The right hon. gentleman then went into a justification of his resolution recorded last session, and contended that the paper of the Bank of England was, for all legal purposes, equivalent to coin; though certainly not so to those who wished to melt it down, or make it the subject of foreign trade, which, however, was, and had long been, contrary to the laws of the land. Could it have been possible to enforce these penal laws vigilantly and perfectly, gold would have had no other value than paper of the same denomination, and the only difference between them was, that the one could be converted into bullion, the other could not. The anomaly of light guineas had been much animadverted on, but this was no new case; there were abundant instances in our history, of light guineas being more valuable than standard coin, long before the Bank restriction was ever thought of. The enormous profits of the Bank had also been dwelt upon: to this he would bear testimony, that the Bank was an unwilling party to those measures whence the profits accrued, and which were forced upon it by the government of the country. The Bank had ever evinced a desire to be released from these restrictions, and the preparations it made for resuming payments in specie were a sufficient proof of its readiness so to do, when it could be permitted consistently with the public good. The practical question now was, whether the period had arrived, when they could give up the safeguard that had been imposed for the preservation of our metallic currency, and to protect the public generally from individual vexation and oppression? All that the public wanted was to go on quietly with the currency they were used to; but this, it was in the power of any one to disturb, unless the present law was passed to protect debtors from the exaction of payments in a medium, which it was out of their power to obtain. The act had arisen out of the provocation of one individual, but for whom they might have been quiet yet, and the necessity for the law never have been raised. It was now indispensible to protect the subject from grievous oppression; and he submitted that there were stronger reasons for its continuance than even for its being originally passed.

Mr. *Ponsonby* expressed his surprise at some of the positions of the right hon. the Chancellor of the Exchequer; and he was not less surprised at the conduct of the House, which, in direct contradiction to its own Resolution, had passed the present Bill, to prevent the effect of that inequality which the Resolution of the House went to deny. The Resolution asserted that bank notes and guineas were in equal public estimation, and perfectly equivalent; but if so, why did landlords demand payment of their rents in gold? and if the pretended equivalency did exist, why pass an act to force the landlord to receive paper? The right hon. the Chancellor of the Exchequer had told the House that bank notes were equivalent to gold, as applicable to all lawful purposes. Was the payment of rent a lawful purpose? And if paper was equal to gold, why pass a law to guard the tenant against the landlord's demand for gold? How the right hon. gentleman or the House could be persuaded to entertain such opinions, he could not divine; and yet the right hon. the Chancellor of the Exchequer continued to tell the House that an equivalency still existed. Did that equivalency exist when the bank note was at what he called a depreciation of 5 per cent.? and did that equivalency remain unaltered, notwithstanding the depreciation had increased to 15, 20, and even 30 per cent.? Could the right hon. gentleman find any one who would give him a guinea for a pound note and a shilling? Could he go into a market and purchase as much of a commodity with a pound note and a shilling, as with a guinea? If that equivalency still existed, why did we find such difficulty in obtaining guineas? Was any such difficulty experienced previously to the depreciation of paper? No; and the present difficulty was easily accounted for, because the Resolution of the House was not true. The right hon. gentleman referred the present scarcity and high price of gold, to the non-importation of bullion from America; but would this apply to England alone? Would it not affect France, and all Europe? Would the right hon. gentleman say that gold was as scarce and as dear in France? Would he assert that the paper circulating in that country was at a discount of 35 per cent.? He told the House that a bank note was equal to a guinea for all lawful purposes, but [illegible] was not [illegible] guineas; would the right hon. gentleman [illegible] a bank note to prove its value? [illegible] would prove the value of a guinea, when melted it was even more valuable than before; but [illegible] a bank note, and it produced only [illegible]. He was informed that the Bank had given notice to the bankers in London, that they could no longer be supplied with tokens. If the bank note had not depreciated, why was that specie commonly called change so scarce as to bear a premium in almost every country town in England, nay, he had been told, even in the metropolis? The right hon. gentleman told the House, that the Bill was levelled against lord King: he did not know the motives of the proposers of the Bill. But he believed the Bill was intended to support the Resolution of that House, which it in fact disapproved, and to protect the paper which had lost its legitimate protection—the good opinion of the public. He had no doubt the right hon. gentleman intended to press the Bill; but he saw no reason to hurry on its consideration at this period. Before he concluded, he wished to ask the right hon. the Chancellor of the Exchequer what he paid for bills to remit to the continent; what premium he gave for such bills; what a hundred pounds cost the country, when remitted to the continent? [The Chancellor of the Exchequer signified his intention not to answer the question.] The right hon. gentleman repeated his question. He professed to be uninformed on the subject. He had never heard of any similar refusal. He plainly saw that the right hon. gentleman would not give time to new members to acquire information on the subject, but that he was determined to cram his obnoxious Bill down the throat of the House. Such conduct he considered as indecent and improper, and should therefore support the Amendment of his hon. friend.

Mr. *Manning* rose principally in consequence of an allusion made by the right hon. gentleman who spoke last to the insufficient issue of tokens by the Bank of England. It was true that the company had deemed it expedient to discontinue the issue of tokens to a certain extent to private bankers, from a fear that the supply would not be adequate to the demand; [illegible] the sum might appear, it could be proved by incontrovertible testimony, that within the last fifteen [illegible] not less than nearly two millions [illegible] had been delivered from the Bank [illegible] of 3s. and 1s. 6d. No opportunity had been lost of [illegible] their circulation [illegible]

tent must of course [illegible] by the amount of the [illegible]. With regard to the issue of [illegible] the House [illegible] serted, that [illegible] yesterday evening, it did not [illegible] millions and a half. In July or August 1810, it would be remembered that the number of notes in circulation was about twenty-five millions sterling; but this excess was occasioned by the failure of two large houses in London, which produced a considerable sensation in the country. Bankers in the various principal towns then made demands upon the Bank, to ensure themselves against the consequences of a run upon their firms; but within six months the greater part of three millions was returned to the Bank of England, without having been employed. It could not, therefore, with justice, be said, that the issue of bank-notes at this time was excessive, or that the high price of bullion had been occasioned by it. One hon. gentleman had contended, that the Bank indiscriminately discounted commercial paper by its notes. This assertion was by no means correct, as it was established by evidence before the House; the issue for this purpose was always much below the demand. The hon. gentleman then adverted to the evil consequences that would result to the country if this Bill were not passed; and disclaimed on the part of the Bank of England any desire to have their notes maintained by parliamentary authority, since the confidence reposed in the company by the country at large was fully adequate to their support.

Mr. H. Thornton, as a member of the Bullion Committee, whose conduct and report had been so severely stigmatized, felt it necessary to say a few words in defence of that body. It ought to have been recollected by the right hon. the Chancellor of the Exchequer that at the time the committee recommended to the House that the Bank should be compelled to renew cash payments in two years, the country was by no means in the situation in which it was now placed. Our commodities were not then excluded from the continent [illegible] that regular system which so [illegible] and the balance [illegible] on all articles was [illegible] against [illegible]. The [illegible] question [illegible] new [illegible] consideration [illegible] the nature of bank paper [illegible] diff- ence [illegible]

it had that influence, he had voted that the cash payments should, at the end of two years [illegible], with a view certainly that if at the end of that period it was found [illegible] impracticable, the term should be enlarged from year to year until the company had the means of calling in all their notes. At present every body would admit that to compel the Bank to pay in specie would be a gross act of injustice. There were advantages belonging to a paper system, and even to an extended issue of notes. 1. It was a great convenience to merchants who could thus with ease obtain discount for their bills. 2. It was an equal facility to government in raising loans. 3. It laid a burden upon the shoulders of those who were best able to bear it, and diminished the weight that would otherwise be imposed upon the poor. It might also be a very serious question whether, supposing the Bank had always paid in specie, the legislature would not have been called upon to remedy inconveniencies resulting from that system, instead of passing Bills to amend errors belonging to the present, considering our relation with the continent of Europe. As matters now stood, it was perfectly evident that Bank paper had depreciated 35 per cent. Where this depreciation would end it was impossible to divine, and the Chancellor of the Exchequer, by the Bill before the House, proposed no remedy to prevent its depreciation even to 100 per cent. Under these circumstances, the subject was to be viewed in a very serious and painful light, since its consequences might be so ruinous. Another point to be contemplated was the proposed abolition of local tokens after the 25th of March. If such a measure were resorted to, what was to supply the deficiency? Small change for the common transactions of life was every where wanted, even with the aid of these local tokens; but when they were withdrawn, the governor of the Bank had admitted that that establishment had it not in its power to issue any silver to make good the loss that would be sustained in the districts where local tokens were in circulation.

Mr. Whitbread Keene said, he had supported the measure on former occasions, as the only means to resist the military despotism with which we were threatened. It was perhaps paying dear, but not too dear for salvation; so long as the spirit of the constitution should survive, this

little spot would continue to strive; but exertions were necessary, and considering the measure the Bill went to continue as one of those exertions, he would support it.

Lord *Folkestone* did not mean to discuss the principle of the Bill, but should suggest a course which he conceived it would be advisable to pursue. He thought that it would be the best way to suffer the Bill to pass, since ministers represented it to be of urgent necessity; but it would be better that it should be a short Bill renewing the present Bill for three or four months, so that after the recess the House might have full time to acquire the information necessary to the discussion of this important question in all its bearings. He thought the question of local tokens, which had been mentioned, was one which required much consideration. If the course he had proposed should meet the views of the House, he hoped his hon. friend would have no objection to withdraw his amendment.

Mr. *Huskisson* expressed his regret, that he was prevented by indisposition from delivering his sentiments on the important question before the House.

Mr. *Creevey* wished to know, before the question was put, whether ministers would accede to the proposal of his noble friend, and agree to have the Bill passed for a short period?

Lord *Castlereagh* said, that several branches of the present question must remain for discussion on some future occasion, but he was not aware of any circumstances which could possibly happen within the limited period which had been mentioned that could tend to render the present measure unnecessary.

Mr. *Whitbread* was sincerely sorry for the cause which prevented the hon. gentleman, who was a great authority on these subjects, from delivering his sentiments on the present occasion, which appeared the regular period for discussing the principle of the Bill. He certainly thought that there was something in this Bill so inconsistent with the resolutions upon which it was founded, that he thought the right hon. the Chancellor of the Exchequer, and the House, should be somewhat ashamed of first resolving that gold and paper were equal in public estimation, and then passing a law to force the public to act as if they were really of equal value in their estimation. He certainly considered that the act which had been passed last session had done great violence to the property of landlords, whose estates had been let out on long leases. The effect of it was, that the landlord was to receive less, and the farmer to pay less, than what was contracted for, although the farmer was also to have all the advantages of the depreciation, by an increased price on every thing which his farm produced. The fact was, that when lord King issued that notice to his tenants, which had been so much canvassed, he required of his tenants either to pay him in gold according to the contract, or else in Bank-paper at a rate stated in the notice, which was less in fact, than he would be entitled to according to the fair value. A great deal had been said, by the right hon. the Chancellor of the Exchequer, about public estimation. The right hon. gentleman was a grave man, and delivered his opinions in a grave manner; yet nothing could be more ludicrous than his assertion, that in all transactions where men were not inclined to incur the penalties of the law, the bank note and guinea were of equal value. Let that right hon. gentleman go, if he could disguise himself sufficiently—as he had desired him (Mr. W.) to turn informer, though he would not himself inform about his friend the Jew—let him go into any shop, and he would find that a shop-keeper would give 5*s.* worth more of goods for a guinea than for a note and a shilling. In the estimation of such a person—in the estimation of the Jew,—and in the estimation of the buyer of light guineas mentioned by his hon. friend, it was clear that the two things were not reckoned equivalent. Some persons, indeed said, that bank notes were superior to guineas, because they could not be hoarded in the same manner, for instance, in an invasion, and thus check the means of purchasing necessaries. This was true. People hoarded what was valuable, and what, if reproduced, would demand an equivalent; whereas in an invasion, Bank-notes, whether above ground, or below it, would be of equal value,—that was of no value at all. An hon. gentleman had argued as if this Bill had been the cause of our maintenance of the Spanish struggle, and had carried lord Wellington through the campaign: whereas, in fact, the Bill was not passed till the end of the year 1811, when it came, forced upon the unwilling ministers, from the other House, like a clap of thunder. But had it filled the military chest of lord Wellington? No! that chest

was altogether empty, and lord Wellington had been forced, at Madrid, to make a loan of a few thousand dollars. The officers of his army (all except those of the very first rank) were so destitute, that they had not even one piece of metal for the common comforts and necessaries of life. A material question had been asked, though the right hon. the Chancellor of the Exchequer had not thought proper to answer it; what price he gave for bills to remit abroad, and whether the premium did not make that very article disappear which was most wanted? Robespierre had prohibited certain articles from being sold above a certain price, which caused those articles to vanish entirely from the market. Tokens had been issued from the Bank, and they had disappeared in proportion as the depreciation overtook the currency. He should be glad to ask the Chancellor of the Exchequer, whether by connivance, or otherwise, the government bought guineas, while, at the same time, they were, by their attorney and solicitor, prosecuting, convicting, and punishing others for the same offence? The right hon. gentleman had been applied to, and refused to act in contravention of his own law; he nobly disdained the offer, but did he make any inquiries after the offender? The guard of the coach had been taken and convicted; and marked money and other means were employed for the detection of offenders; but a man came with a friend offering to commit a breach of law with the Chancellor of the Exchequer: and no enquiries were made; no marked guineas issued. Thus the only avenue being stopped for those guineas, they would be necessarily hoarded: but abolish the law, and gold would find its real value, and come in plenty to the market. In the mean time public credit would be ruined, for St. Paul's might as well stand without a foundation, as public credit without a metallic currency. The hon. gentleman concluded by saying that he should vote for the Amendment.

The *Chancellor of the Exchequer* denied most solemnly, as he had done on a former night, that agents were employed, either directly or indirectly, by government, to purchase guineas. The man alluded to, and who had offered 27,000 for sale, was not prosecuted, because it was supposed he had no criminal intentions. The last price paid by government for bills to the continent was 67 pence per milrea.

Mr. *Canning* was unwilling to allow the motion to go to a division without shortly stating the reasons that induced him to abstain from voting against a bill, the general principle of which was, without qualification, in direct opposition to all those long-established maxims of political economy, the soundness of which, until the last few years, no man in that House or in the country had ventured to question. Every measure brought before the legislature might be considered in two points of view; the one with reference to the general and abstract principle of right or expediency, the other with reference to any system already established, from which the measure might be said necessarily to emanate. It was in that last point of view, as proceeding from the principle adopted by the House after mature deliberation—a principle the adoption of which he had resisted to the best of his power—that he felt bound to acquiesce in the Bill. He had always contended, that the steps which had been subsequently taken must be the necessary consequences of the first step—that memorable resolution to which the right hon. the Chancellor of the Exchequer had persuaded the House to come, namely, that the paper currency and the gold coin of the realm were, in public estimation, of equal value. On that occasion he had taken the liberty of stating, that the principle of the resolution was proposed in spite of individual knowledge and public notoriety, and that it was adopted by the House of Commons of the united kingdom of Great Britain and Ireland at a moment when it was perfectly known, that in one part of that united kingdom at least, guineas were publicly sold at a premium. He had at that time foretold the inevitable consequence of passing such a resolution in the teeth of the fact; and accordingly it so happened, that that which in May was declared to be the operation of public opinion, was in July made to be the operation of the law; the pains and penalties of which were called in, to overcome the obstinacy of those who were not to be persuaded into conviction. He had at that time told the right hon. gentleman, that in all cases in which an attempt was made to force public opinion by the authority of the legislature, recurrence must ultimately be had to legal means, and to the secular arm of power. He heartily wished that the question were now as open as it was before the adoption of the resolution to which he had alluded. The pro-

posed measure might then be arrested. But he conceived that all the steps which had been since taken, were the natural and unavoidable successors of the original error. The Bill before the House was divided into two heads; the first, very justly securing to the public creditor, who was paid in paper, the power of making, in his turn, payment in paper operative on all who had demands on him. The other head related more immediately to the original resolution; it prohibited the purchase and sale of guineas at a price above their nominal value. Now, he confessed, that he did not think the latter part of the measure necessary or justifiable, otherwise than as it went to bear out the legislature in their original resolution; for he could not conceive nor had he ever heard described the inconvenience of allowing guineas, which, being no longer in circulation, were only pieces of bullion, to find their level in the market like any other commodities, and not to be driven into hoards or out of the country. As to penal laws for preventing the exportation of any coin, when that coin could be disposed of abroad at a higher value than that at which it would pass at home, it was a subject on which all authorities agreed. It was the concurrent opinion of all writers on political economy—of all statesmen—of all financiers, that let such laws be as sanguinary as possible—let them be written in blood, they would be ineffective. The great Colbert had declared, that if a wall of brass were built round a country, the precious metals would find some chink through which to escape, if it were the interest of any of the community that they should do so. Respecting the propriety of this part of the Bill, therefore, he entertained considerable doubts: with regard to the unfortunate necessity of the other part of the Bill, he had no doubt. But he wished particularly to guard himself from the supposition that he would vote in any stage of the Bill on the ground taken by the right hon. gentleman and another hon. member, namely, that the country must reconcile itself to the present onerous state of things, and must be content to build its future prosperity upon it, abandoning all hope of setting right that most important of subjects—the situation of our internal currency; and that, because the inconvenience to which we were exposed was partly natural and partly aggravated by the last parliament, we must be satisfied to consider it as indefinitely perpetuated. He confessed that he did not pretend to see a way out of the difficulties into which the country had been brought in this respect by the councils that he had opposed. On the contrary, he was of opinion, that during the last two years those difficulties had become so much more numerous and complicated that they were out of the reach of any sudden remedy. He would not, therefore, vote for the amendment, because it held out a hope, which, as he did not entertain, he would not appear to sanction—that in such a limited period as that to which the amendment referred, some remedy might be discovered for the existing evil. He trusted, however, that the operation of the Bill itself would be only for a limited period, and that during that period the attention of those to whom the consideration of the subject was a duty, would be turned to it with a view of providing, if not a remedy for the evils which had already been incurred, at least a preventive for those greater evils which a perseverance in the present system must necessarily occasion.

Mr. *Butterworth* read a letter from a friend in the country, in which the writer recommended strongly the passing of the Bill before the House, in order to save the people in his neighbourhood from the most serious loss, if not from ruin.

Mr. Alderman *Atkins* expressed his decided opinion, that the present state of our circulating medium was not owing to the conduct of ministers, or of any other set of men; but to the growing commerce of the country, which the whole metallic currency of the world would have been insufficient to supply; and he earnestly wished that this fact were distinctly understood throughout the country.

The House then divided:

For the Amendment............... 19
Against it..........................129
Majority..................——110

List of the Minority.

Abercromby, Hon. J.	Lewis, F.
Brand, Hon. T.	Martin (Tewksbury).
Babington, T.	North, D.
Bennet, Hon. H. G.	Phillips, G.
Combe, H.	Ponsonby, Rt. Hon. G.
Calvert, C.	Vernon, G.
Fazakerley, N.	Whitbread, S.
Grenfel, P.	Western, C. C.
Gordon, W.	TELLERS.
Hamilton, Lord A.	Lord Folkestone.
Lubbock, J.	Thos. Creevey.

Colchester Election—Petition of Mr. Harvey.] A Petition of Daniel Whittle Harvey, esq., was delivered in and read; setting forth,

"That, at the last election for the borough of Colchester, the petitioner, and also Robert Thornton and Hart Davis, esqrs. were candidates; and that a poll being duly demanded, the same was granted by the returning officer, and proceeded on accordingly; that the said returning officer admitted many persons to vote, and entered their names in the poll-book for the said R. Thornton and H. Davis, who had no right or title to vote, and rejected the votes of many persons having right and title to vote, and who tendered them for the petitioner, and whose votes ought to have been received for the petitioner, and entered accordingly; and that the said R. Thornton and H. Davis, by themselves, their several and respective agents, did, after the teste of the writ of election, and at and during the said election, and before their election, give, present, and allow, to divers persons having votes in the said election, money, meat, drink, and entertainment, and provision, and make presents, gifts, rewards, and entertainments, and agreements, obligations, and engagements to give, and allow money, meat, drink, provision, presents, rewards, and entertainments, to and for such persons, and to and for the use and advantage, benefit, emolument, and profit and preferment of such persons, in order to be elected; and that the said R. Thornton and H. Davis, before and at and during the time of the said election, by themselves, their several and respective agents, friends, managers, and others on their behalf, were guilty of bribery and corruption, and corrupt practices, and that the said R. Thornton and H. Davis, before the said election, and at and during the same, by themselves, their several and respective agents, friends, managers, and others employed by them on their behalf, did, by gifts and by rewards, and by promises, agreements, and securities for gifts and rewards, corrupt and procure divers persons to give their votes on the said election for them, the said R. Thornton and H. Davis, and to forbear to give their votes to the petitioner, by which said unlawful and corrupt practices of the said R. Thornton and H. Davis, their agents, friends, managers, and others, they the said R. Thornton and H. Davis obtained an apparent majority over the petitioner, and procured themselves to be returned; and that, at the time of the said election and return, the said R. Thornton was not seised of, or entitled to, such an estate in law or equity as would enable him to be returned for the said borough, according to the statute of the 9th queen Anne, whereas the petitioner alleges that he had a majority of legal votes at the said election, and ought to have been returned; which said several corrupt practices of the said R. Thornton and H. Davis have been and are, to the manifest injury of the petitioner, and in violation of the freedom and purity of elections; and praying, that the premises may be taken into consideration, and that the House will declare that the petitioner was duly elected, and ought to have been returned to serve in parliament for the borough of Colchester, or give such other relief as to the House shall seem fit."

Ordered to be taken into consideration on the 18th February.

HOUSE OF LORDS.

Wednesday, December 9.

Catholic Claims.] The Archbishop of Canterbury presented a Petition from the dean and chapter of Canterbury, against the Catholic Claims, which was ordered to lie on the table.

The Duke of *Norfolk* expressed his regret at the hostility of the petitioners to those concessions to our Catholic fellow-subjects, which he considered essential to the safety and welfare of the state, coupled with an adequate security to the Protestant establishment, to which establishment no man was a warmer friend than himself. He was surprised also at the fear expressed in the Petition, that granting the claims of the Catholics would lead to the repeal of the Test and Corporation Acts, and thereby remove the security of the Protestant establishment. It was well known that no ministry had ventured to enforce these acts; that they were hung up from year to year, and that no ministry, however intolerant, could venture to carry them into execution. He hoped that these Petitions were merely the over-zeal of individuals, and that they were not set on foot by any of his Majesty's ministers. He trusted, however, that as the discussion of the great question relative to the Catholic Claims was not to come on till after the holidays, that all the Petitions against those claims would be by that time before

the House, in order that they might be the better enabled to take the whole subject into consideration.

HOUSE OF COMMONS.

Wednesday, December 9.

Gold Coin Bill.] On the motion for going into a Committee on this Bill,

Lord *Folkestone* said, he wished it to be passed only for a few months, in order that the House might have time to give sufficient consideration to the measure. He was altogether against the renewal of this Bill, and thought what had passed in the debate last night sufficient to lead him to that opinion. Of all the speakers last night, the right hon. the Chancellor of the Exchequer was the only one who spoke in praise of the Bill. Whilst several who voted for it said that they did so not from any approbation of its principle, but under the influence of various temporary circumstances. He had many objections to the Bill, and said, that the legislature ought to pass laws for the prevention, not for the production and multiplication of crimes. This Bill increased the temptation to crime, drove all our gold and silver out of the market, and, by thus increasing their value as compared with Bank of England notes, promoted the buying and selling of guineas. The persons who had been punished under this Bill being mostly ignorant, and therefore unable to understand, or perhaps to read the act, had been seduced and entrapped. But why had not a late wholesale offender, the person who offered 27,000 guineas to the right hon. the Chancellor of the Exchequer, and who could not be ignorant of the provisions of the act, why had he not been brought to justice? It might be even said, that the right hon. the Chancellor of the Exchequer neglected his duty to the public (for gold was much wanted for the public service) in not accepting of the offer; for he had it in his power to pay for the sum in country bank notes, by which means he could have evaded the provisions of the Bill.

The House then resolved into the Committee, and the several clauses were agreed to.

Duties on Rice.] The House having resolved into a committee upon the Duties on Rice,

The *Chancellor of the Exchequer* stated his object to be the proposition of a tax upon rice imported from any other quarter than the East Indies. He deprecated any objection to this proposition, upon the ground, that it applied to a necessary of life, for in point of fact the operation of the case would be to secure a supply of rice from our own territories, while, if circumstances should render the importation of the article desirable from America or elsewhere, it would not be raised inconveniently high to the consumer. The necessity of this arrangement, he illustrated by referring to an instance in which government had paid 5 or 600,000*l.* in bounties on the importation of rice from the East Indies, which rice had never been used for human food, but devoted to poultry, in consequence of the importation from other places. Here, then, was a loss to the treasury and to the importers, without any relief to the public. To prevent the occurrence of such an event, he proposed to withdraw the bounty upon East Indian rice, while an additional tax was imposed upon rice imported from other quarters. The right hon. gentleman submitted a resolution, That an additional duty of ten shillings per cwt. be imposed upon all rice imported from any country not belonging to his Majesty, or not within the territories of the East India Company.—The motion was agreed to.

HOUSE OF LORDS.

Thursday, December 10.

Appeals.] Lord *Redesdale* mentioned, that it would be of great importance to the public service to have a speedy decision on an Appeal now before the House, relative to encroachments in Portsmouth Harbour, and suggested the expediency of hearing it on an early day after the recess.

The *Lord Chancellor* said, he had no objection to take this Appeal out of its course, provided it could be done without injustice to the other suitors before the House. If the Appeal now alluded to could be heard in the morning, so that it might not interfere with the regular course of proceeding in regard to other appeals, he should be willing to agree to such an arrangement. It would be felt to be an indispensible act of justice to the other suitors to make some such an arrangement, when he stated, that of the 270 Appeals and Writs of Error now on the table, the last of them, according to the mode of hearing hitherto acted upon,

could not be decided for eleven years from this time.

Lord *Redesdale* had no objection to agree to this arrangement. It was only the importance of the case to the public service that induced him to propose to take it out of its course. His lordship went into the consideration of the Bill recently passed by the House and sent down to the Commons, for the appointment of a Vice-Chancellor, observing, that either that measure must be carried, or the House must abandon its appellate jurisdiction. Which was the more constitutional course, it needed no argument to point out. The greatest grievances and hardships to parties arose from the delay in hearing appeals in that House, and the only effectual remedy he conceived to be, to give assistance to the Lord Chancellor in the Court of Chancery, in order to enable that noble and learned lord to sit in the House of Lords, at times when at present he was required to sit in the Court of Chancery. It was also of importance that some measure should be adopted to compel the attendance of peers, during the mornings for three or four days in the week, in order to the hearing and deciding upon appeals with a due regard to the functions of the House, and the interests of suitors. His lordship moved that the Appeal in question should be taken into consideration on the first day after the recess.

Viscount *Melville* urged the great importance of deciding upon this Appeal as speedily as possible, as it involved in a great degree the existence of Portsmouth harbour.

The *Lord Chancellor* was perfectly aware of the importance of the case to the public service, and was anxious that some arrangement might be adopted with a view to its speedy decision. He proposed, therefore, that the hearing should commence on the first day after next term, at ten o'clock in the morning, and that the Lords should be summoned during each day of its progress. As to himself, whether in or out of office, he would certainly attend. With regard to the Bill for the appointment of a Vice-Chancellor, he had cautiously abstained from saying any thing upon it, being satisfied, that although it must be admitted that the Bill had reference only to a Chancellor, and not to the Chancellor, still that what fell from him upon the subject, would be received with a certain degree of prejudice. He would, however, say this much, that he would not have suffered the measure to have gone on to its ultimate stage, had he not been thoroughly convinced of its absolute necessity, for the assistance of suitors in that House.

HOUSE OF COMMONS.

Thursday, December 10.

TREGONY ELECTION—PETITION OF MR. O'CALLAGAN AND MR. THORNHILL.] A Petition of James O'Callagan and Thomas Thornhill esquires, was delivered in and read; setting forth,

"That at the last election for the borough of Tregony, Alex. Cray Grant, and William Holmes, esquires, and the petitioners James O'Callagan, and Thomas Thornhill esquires, were candidates; and that the mayor of the said borough is the proper returning officer; and that John Hearle, at the time of the said election, was mayor; and that the said W. Holmes and A. C. Grant, by themselves, and each of them by himself, and by his and their agents, &c. did make presents, gifts, rewards, and entertainment, and promises, agreements, obligations, and engagements to give and allow money, meat, drink, provision, presents, rewards, advantages, and entertainment to and for several persons so having or claiming right to vote in the said election, and to and for the use, advantage, benefit, and profit of such persons so having or claiming right to vote in the said election, in order to be, and procure themselves the said W. Holmes and A. C. Grant to be elected contrary to and in contempt of the provision of the act of 7th William the third, and the standing order of the House, whereby the said W. Holmes and A. C. Grant were disabled and incapacitated to serve for the said borough, and the election and return of them are wholly null and void; and that the said W. Holmes and A. C. Grant, contrary to and in defiance of the act of the 49th of his present Majesty, in despite of the salutary provision therein contained, did, after the passing the said act, and previous to the said election, by themselves, and each of them by himself, or some person or persons for or on their or his behalf, give, or cause to be given, or promise or agree to give, a considerable sum of money, gift or reward, to some person or persons, upon an engagement, contract, or agreement, that such last-mentioned person or persons should, by himself or themselves, or by others at his or their solicitation, request or command, procure

or endeavour to procure, the return of them the said W. Holmes and A. C. Grant, respectively, to serve in parliament for the same borough; and that they the said W. Holmes and A. C. Grant did also, after the passing of the said act, and previous to the said election, by themselves, and each of them by himself, and by some other person and persons on their and his behalf, give, or procure to be given, and did promise to give, or procure to be given, divers offices, places, and employment to divers persons, on an express contract and agreement that such last-mentioned persons should, by themselves or others, at their solicitation, request, or command, procure the return of them the said W. Holmes and A. C. Grant, whereby the said W. Holmes and A. C. Grant, were incapacitated to serve in the present parliament, and the election and return of them the said W. Holmes and A. C. Grant, are wholly null and void; and that the returning officer at this election admitted many persons on the poll for the said W. Holmes and A. C. Grant, who had no right, and were incapable of voting at the said election; and that the said W. Holmes and A. C. Grant, previous to and at the time of the said election, by themselves respectively, and by their respective agents and others on their behalf, were, and each of them was guilty of bribery and corruption, in order to procure themselves to be returned members for the said borough; and that, previous to and at the said election, public notice was given to the returning officer, and also to all the persons who voted at the said election for the said W. Holmes and A. C. Grant, that they the said W. Holmes and A. C. Grant, had given and allowed to divers persons having votes at the said election, meat, drink, entertainment, and other provisions, in order to be elected for the said borough, contrary to and in violation of the statute in that case made and provided, and the resolution of the House of Commons against such practices; and that the said W. Holmes and A. C. Grant had been guilty of bribery and corrupt practices, in order to be elected, and had also, by themselves, and by others in their behalf, and with their knowledge and consent, given, and promised and agreed to give, divers sums of money, gift, and rewards, and offices, places, and employment, to divers persons having votes at the said election, and also to others, in order that the said W. Holmes and A. C. Grant might be returned for the said borough, contrary to the laws in being against such practices; and that, by reason of the premises, the said W. Holmes and A. C. Grant had become incapable of serving as a member for the said borough in the present parliament, and that all votes given for them, or either of them, after the said public notice of their incapacity, would be thrown away; and that, by the corrupt, undue, and illegal practices aforesaid, and by various other corrupt and illegal means and practices by the said W. Holmes and A. C. Grant, and their agents, a considerable number of votes on the poll was obtained by them the said W. Holmes and A. C. Grant over the petitioners; and the returning officer at the said election illegally returned the said W. Holmes and A. C. Grant, as duly elected for the said borough, whereas the petitioners had a majority of legal and uncorrupt votes, and ought to have been returned for the said borough; and that neither of them, the said W. Holmes and A. C. Grant, had, at the time of his said election and return, such an estate, in law or equity, to and for his own use and benefit, in lands, tenements, or hereditaments, over and above what will satisfy all incumbrances that may affect the same, of the annual value of 300*l.* above reprizes, to qualify him to be elected and returned for the said borough, according to the tenor and true meaning of the act of parliament in that behalf, whereby the election and returning of each of them are void; and praying, that they may be heard, by themselves or their counsel, as to the matter of this Petition, and that the said W. Holmes and A. C. Grant may be declared not duly elected, and that the petitioners may be declared duly elected for the said borough of Tregony."

Ordered to be taken into consideration on the 23d of February.

Motion respecting the King's German Legion.] Lord *Folkestone* rose and addressed the House nearly as follows:— Sir; the question to which I am about to call the attention of the House appears to me one of too much importance to be for a moment withheld from its consideration. I evinced my sense of this importance by taking the earliest day possible to give notice of a motion with respect to it, and I should have certainly brought it forward on that day if I had consulted only my own feelings; but an application having

been made to me by a noble lord opposite, who wished the business to be postponed, on grounds which appeared reasonable, I acquiesced in that wish, and the matter has stood over from the early day of the session which I first fixed upon till the present time. But if the papers, Sir, for which I shall now move, are refused, I shall have reason to regret my acquiescence, for there are several persons now unavoidably absent who would have supported my motion, if brought forward on the day originally fixed; and I shall have reason to impute to the noble lord, as a motive for delay, merely the wish to resist me by a greater majority than he could have presented without it. I trust and believe, however, that the delay was not requested with this view; but for the sufficient reasons then assigned by the noble lord. It will be in the recollection of several members present who belonged to the former parliament, that in the course of last session I called the attention of the House to the infraction of the law of the land, which was committed by the introduction of foreign officers into native regiments; it will be also recollected, that the consequence of the motion I then made was the production of returns which, though regular in their form, were imperfect in their essence: as they included only the foreign officers on home service, and did not embrace those employed abroad; the reason assigned for the imperfection being, that it was found impossible to ascertain, within the time specified, the number of officers of the description in question who were engaged in the latter service. In consequence of this defect, one of my objects to night is, to obtain the information I then sought to a greater extent than I could then obtain it, to ascertain the total number of foreign officers who have been introduced into our native corps, and also to ascertain the number of such officers employed upon the staff; for the House will bear in mind, that it has been provided by an express statute, that even the officers of the 60th regiment, who are chiefly foreigners, shall not be capable of holding staff employments. The circumstance, Sir, upon which I grounded my notice of motion was, an Order which issued from the Horse-Guards in August last, and which I deem it necessary to read to the House, as it appeared in the Gazette on the 18th of that month. It is as follows:—"War-Office, "August 18, 1812.—Memorandum. In "consideration of the King's German Legion having so frequently distinguished "themselves against the enemy, and particularly upon the occasion of the recent "victory obtained near Salamanca, his "royal highness the Prince Regent is "pleased, in the name, and on the behalf "of his Majesty, to command, that the "officers who are now serving with temporary rank in the several regiments of "that corps, shall have permanent rank in "the British army, from the date of their "respective commissions."—I will not call this, Sir, an infraction in the law, for happily the law will be found to offer a resistance too strong to be borne down by it; but it certainly is an attempt to violate the law, an attempt to give duration to the services of officers beyond the limits assigned to them by an express act of parliament—an attempt to put them on an equality, in point of permanency, with the officers of the British army. The law limits the duration of the services of the German Legion to the period of the war and twelve months after, but it would seem to be the intent of this Order in defiance of the statute to render the existence of that corps permanent. It is possible, Sir, that the Order in question may receive a different interpretation from that which I give it, from the noble lord opposite; and, therefore, in order that I may not occupy the attention of the House needlessly, before I proceed further, I shall beg leave to ask the noble lord whether I have correctly understood the drift of the Order, for without some explanation on that head, I might found argument on what would possibly turn out to be a complete misconception.

Lord *Palmerston* begged the noble lord would repeat his construction of the words of the Order.

Lord *Folkestone* proceeded. I am sorry I have not been fortunate enough to make myself understood to the noble lord; but to be as plain as I can, my object is to know, whether the Order be intended to give to the foreign officers foisted into our service (I do not use the expression in an invidious sense) all the advantages enjoyed by British officers? Are they, by virtue of it, to be rendered not removable from the service at a particular time? Are they to be entitled to half-pay?

Lord *Palmerston*. They are not meant to have any privileges or advantages in the service which may militate against the law. It was neither the intention, nor

can it be the effect of the Order to give the officers of the German Legion any privileges or advantages inconsistent with the provisions of the Act under which they were serving.

Lord *Folkestone* resumed. If that be the case, then the law is altogether nugatory; it is a mere nothing: but the terms in which it is couched are manifestly inconsistent with the explanation given by the noble lord. As I before stated, the Order could not, if it were meant to do so, impugn the Act of Settlement, and overstep that act by which the German Legion was embodied; but unquestionably the manner in which it was worded was extremely repugnant to the spirit of that act; and for this, since the noble lord has dissipated my apprehensions of an injury to the constitution being meditated, I can only account by supposing, that the dictionary referred to at the War-office affords a greater variety of meanings to ordinary terms than any thesaurus of the language in common use. According to the explanation given by the noble lord, it might be supposed, that the ministers at the War-office considered the meaning of the words 'temporary' and 'permanent' to be the same, but until the War-office could transform the English language as they had transformed the English army, the true sense would be perfectly obvious to every man who had sense to comprehend any thing. It appears, then, Sir, by his statement, that here is an advantage and no advantage; a boon is granted to the officers of the German Legion, and the reason assigned for it is, their distinguished and meritorious conduct when brought to act against the enemy.—"In consideration," says the Gazette, "of the King's German Legion having so frequently distinguished themselves against the enemy, particularly in the recent battle of Salamanca!"—And this is certainly what would justify a boon of no ordinary magnitude; yet when this mighty reward comes to be examined it turns out to be one of a most unsubstantial nature; one with which, if the officers of the German Legion be satisfied, we cannot sufficiently admire their moderation. The noble lord would answer, perhaps, with equal intelligibility, that this was meant as a reward for meritorious service, but what boon was it to tell a man that something should be bestowed upon him, which, from a positive enactment, could never be realized? The Order states, that his Royal Highness, in the name and on behalf of his Majesty, has been pleased to confer permanent rank on the officers of the German Legion, who had hitherto only enjoyed temporary rank. Why, Sir, none of them had any thing but temporary rank. The corps itself is but temporary; and here, Sir, I shall take the opportunity of stating a curious fact connected with the present subject, and which will show how unreasonable it would be to grant that privilege to the officers of the German Legion which I was led to apprehend had been granted to them. It is a rule in the service, that even natives who enter it as officers in any but the lowest rank, cannot be promoted or have more than temporary rank, and sir Thomas Graham, who lately received the thanks of this House, having entered the service as a colonel, is a memorable instance of the truth of this fact. Officers of this description receive no promotion, but remain in the situation in which they first enter the service. Now, Sir, there surely seems to be no good reason why foreigners should enjoy privileges from which his Majesty's subjects are themselves debarred; but that would be the case if the German officers were to have permanent rank. These people came over here in great numbers in the year 1804; it was a sufficient evil that they were then promoted, one made a colonel, and another a lieutenant-colonel, with temporary rank, because they were barons and counts, and highly connected, but now they are advancing to shoulder British general officers, who have risen progressively to their rank, out of employment, to be invested with the command of garrisons and districts, even in this our native land, and it would be rather too much to add to it by now giving them an advantage which a Briton entering the service of his sovereign, under the same circumstances, is rendered incapable of enjoying; it would be violating, moreover, if not the letter, certainly the spirit of the Act by which he is so incapacitated. On what principle could this be attempted? One of them had actually the command of a district—how was this innovation defended by his Majesty's ministers, in the teeth of the Act of Settlement and of that by which they were embodied. But let us contrast with a little attention the words of the Order with what has been said by the noble lord. Does there not seem to be a strange inconsistency, resulting from such a contrast; the Order

says, that the German officers shall have permanent rank in the British army; the Act of Settlement says, that they shall not have more than temporary rank, and the noble lord says, that the Order and the Act are not in the least at variance. Was it that at the War-office, not being able to comprehend their own Order, they were actually incompetent to understand the obvious wording of an act of parliament? Did they make any nice distinction between what they might call 'temporarily permanent,' and 'permanently temporary?' Let others solve this difficulty as they may; for my part I cannot, by any effort of mine, comprehend what the nature of this permanent-temporary rank is, or how these conflicting terms can be brought into such close alliance. And let me observe, Sir, that there is no explanation in the Order of this language. If this permanent rank were confined to the German Legion, no person could object to it; for, as the German Legion itself is only temporary, it could only be temporary also.—But the Order expresses, "permanent rank in the British army;" which does not stand on a temporary basis, as the officers are not liable to be dismissed like those of the German Legion, and are also legally entitled to half-pay. Most assuredly an explanation is desirable, if it were only to prevent those who are not so well versed in the bearing of adjectives as the scholars of the War-office, from supposing that the Order was either framed by very ignorant persons, or with a view to entrap the unwary Germans (equally ignorant with themselves of the English language) and make them combat with greater zeal, inspired by gratitude for advantages they were never to enjoy. However this may be, Sir, I am happy at having obtained an assurance from the noble lord that no infraction of the law is intended; for, to my certain knowledge, the apprehension that such was the intention, has created much disturbance and uneasiness in the army, which of course will now subside: and is it any wonder that it should have galled most British officers' feelings, who after having spent the greater part of their lives and wasted their fortunes in the service of their country, find the privilege of leading her gallant bands to victory, that privilege, the hope of enjoying which had sweetened so many hours of toil and danger, suddenly wrested from their grasp in favour of persons only just entered the service, and natives of a foreign land?—The noble lord concluded by stating, that in consequence of the explanation which had been given of the Order, he would change the nature of his motion. The motion which he originally intended to have made was merely for papers: but he would with the leave of the House submit a motion, which should extort from the War-office such an interpretation of the Order, such an exposition of their own meaning, as to convince the officers of the British army, that they would not receive that injury and insult, which they at present believed was intended, and would undeceive the German Legion as to the boon which they supposed had been bestowed upon them.—[His lordship here consulted with the gentlemen about him.]—He then stated that he was not prepared to submit the motion, to which he had alluded, that evening, and it was suggested, by several of his friends, that the best way would be, as a ground-work for his ultimate object, to confine himself to a part of his original motion, which he would do. His lordship then moved—"That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to order that there be laid before the House copies of all Orders issued from the War-office, respecting the rank of the officers serving in the King's German Legion."

Lord *Palmerston* said, if the laconic explanation he had been permitted to give, had so far altered the view which the noble lord had taken of the subject, as to cause him to vary, in a considerable degree, the course he at first intended to pursue, he could not help flattering himself, that if he had been suffered to answer the noble lord's speech, before he made it, or rather, to have explained the terms of the Order, he might have spared him some trouble, though the House would have been thereby deprived of the advantage of listening to his eloquence and his humour. This speech was entirely grounded upon misconception. He apprehended the difference between him and the noble lord arose from a source which often occasioned disagreement—it proceeded from a mere dissimilarity of opinion as to the meaning of certain words, which could very readily be rectified. Here there was a misconception of the word 'permanent,' not unnatural with those who were not acquainted with the technical terms of the British army, a knowledge of which was sufficient to settle the

whole question. The words temporary and permanent were only used to point out different ranks, contra-distinguished in one respect, but not in others, which might be applied in the ordinary acceptation of the words. Permanent rank was that which was common to every officer in the British army—temporary rank varied from it, and was conferred on those who raised men, or performed other services, for the purpose of obtaining high commissions, without proceeding by the previous steps to promotion, and were precluded from precedence and command, except in the particular corps in which the rank was obtained. It did not, generally, confer promotion in the brevet of the army, nor did it, as it ceased with the reduction of the corps in which it was given, entitle the person holding it to half-pay. So far the noble lord might be well-founded in his construction of the Order; for, if there were no act of parliament, it would be giving them a more durable situation than if they possessed merely temporary rank. But the House must be aware, as well as those who framed the Order, and those to whom it was addressed, that it was so construed with reference to the act of parliament, by which the German Legion was embodied and retained in the service. The Order now in question implied nothing contrary to the law; neither did it apply to all the officers in the German Legion, but only to those of superior rank. It was by no means correct to say, that all the officers in our foreign corps had only temporary rank. Such as were appointed in the commencement were certainly in that predicament; but as vacancies occurred they were filled up by persons upon whom permanent rank was conferred, and who were placed in every respect on a footing with their brother officers.—Many of our foreign corps were in fact brought into service, complete established corps. The Germans however were not so, but the officers and privates were for the most part individuals who had been in the Hanoverian service, and it was deemed necessary that they should be united—it was considered, however, equally necessary that the officers should hold the same regimental rank in the new corps, which they held previously when in the German service. But the analogy of our service had been preserved: the first officers had only temporary rank: but the whole of the corps were not serving with temporary rank. The noble lord, however, seemed to think, that all the officers of the German Legion possessed only temporary rank at the time the Order was issued; but if he looked to the Army List, he would see that not merely in the German Legion, but in all the foreign corps, though the generals and colonels had only temporary rank, yet all those officers who had been promoted as vacancies arose, were appointed with the ordinary rank of the army—so that it must at once be seen that this Order did not apply to all ranks, but to those who, having perhaps had an opportunity of being more particularly useful to the service, were selected as worthy of extraordinary approbation. If the noble lord asked, as it was a fair question and the drift of his argument went that way, whether, these foreign officers acting under laws which declared their services of a temporary nature, it was intended that they should possess rank longer than the law specified? To this he must answer, certainly not; and, as he said before, the Order must be construed with reference to the act. What did the act do? It authorised the king to grant commissions and letters of service to foreigners; and did not say, that they should be different from those held by British officers. The law authorised commissions to be generally granted—and whether they were called temporary or permanent, they must be guided ultimately by the act of parliament. With this reference it would be seen that the existence of their commissions would cease with that of the corps to which they belonged. Neither did the Order entitle them to half-pay; nor did it interfere in the least degree with the interests of the British officers in our service. The act under which the German Legion was organised directed that when German officers should serve along with British, that officer should take the precedency whose commission was of the oldest date, but in no degree did it tend to violate the law, because it gave German officers, no one advantage in rank, promotion, or duration of service. Then it might be asked, what would be the effect of those commissions on other points, and what benefit would the German officers derive from this Order? This advantage only did they derive from the Order, that, at the period when their commissions should cease, their rank having been the common permanent rank of the army, their names would still be

printed in the Army List, as an honourable remembrance of the services they had done the country, and they would continue to bear the rank to which their merits so unquestionably entitled them. Now, if this permanent rank did not violate the law or the constitution, by giving to those officers a greater hold on the service than they before possessed, could the noble lord contend that it interfered with the rights of British officers? As to the complaint, that they sometimes commanded native officers, it should be recollected that the act under which they served authorised the formation of articles of war for their government; and one of these gave to the senior officer of a detachment, the command of the whole, for the benefit of the service, and as was usual in the army in general. Those who were acquainted with the practice of the army were perfectly aware that the officers of the German Legion had uniformly taken precedence according to the date of their commission, just as if they held permanent rank. From all this it appeared, that the Order did not interfere with the regular army, or with the act of parliament. The officers of the Legion had always been put in brevet as permanent, so that, in point of fact, the Order, so far from enabling them to shoulder out British officers, gave them no advantage with regard to precedence, or promotion, which they did not possess when they first embarked in the service. But, it would be said, if this Order did not give any advantage, for what purpose was it issued?—and on this point the noble lord was very satirical, observing with great severity on the ignorance of those connected with the War-office, whom he seemed to think unacquainted with their own language. But he would tell the noble lord, that the Order which was issued by the Commander-in-chief, was intended, and was so understood by the officers themselves, to pay a well-merited compliment to a very deserving body of men, who had signalized themselves not only in one action but throughout the whole campaign. Some hon. gentlemen might think it a boon not worth having, but he was sure that those who best knew their pure and honourable feelings, were convinced that it was most gratifying to them. What they acquired was honour, the end and aim of a soldier; that for which he fought and died. To the German Legion such a reward was not, and could not be deemed a trifle; it was in truth most gratifying to their feelings and welcome to their ambition. Those who were acquainted from previous unhappy experience with the sentiments of the noble lord on the subject of the employment of foreigners for our own and the defence of our allies, would be aware that to carry this motion was not so much his object, as at the commencement of a new parliament to make a sort of declaration that his opinions were unaltered, and that he intended to continue the same road he had pursued during the last parliament. If he thought that their employment was improper, all he wished was, that those who entertained a different sentiment should be admitted to have as much love for, and as correct views of the constitution as their opponents.—He knew that many had an objection to employing foreign soldiers on constitutional principles. He thought, however, that those who considered the circumstances of the times, as well as the constitution of the country, would not object to their being employed at present. If any man would look at the map of Europe, and see what a portion of its population the enemy had forced into hostility against this country, if he were also to consider the limited population of these two islands, and the extensive colonies we had to defend, and the navy we had to support, it appeared to him hardly possible that such a man could now adhere to the idea of not employing foreigners in our service. Looking at the present state of the world, and viewing the countless hosts that were arrayed against Great Britain, single handed, it seemed to him the height of absurdity to make such an objection. Because our having swept the seas of our enemies, and because our small but gallant armies had hitherto stood undaunted and unbroken before the overwhelming forces of France and all her dependent states, was it to be urged that we were, unaided and unsupported, capable of sustaining for ever so unequal a contest? That our foreign corps, and particularly the German Legion, merited all the rewards that could be bestowed upon them, no man, let him belong to what party he might, would deny. Surely it would not be said, that the individuals now alluded to were objects of censure or distrust. He would beg the House to consider, who they were? They were not adventurers intruding themselves into the service of

this country, but they were Germans—the natural subjects of our own sovereign, who preferred an honourable exile to an ignominious servitude; and who were bound by allegiance to the same sovereign with the natives of this country. As to the value of their services, it would be seen from the perusal of the different Gazettes which were published in the course of the summer. There was no action in which part of this gallant corps was not foremost in every danger It did not appear to him that the noble lord had laid before the House sufficient grounds for the production of papers; but he thought it would not be sufficient for the House barely to reject the motion on this ground. He thought that the House should not allow itself to be supposed to concur in the idea of its being illegal and unconstitutional to employ foreign troops, and that it would be well, that the new parliament should have its opinion some way understood of the legality and propriety of continuing the present system of employing every means of carrying on offensive warfare which presented itself in the present circumstances.

Mr. *Ponsonby* objected especially to the latter part of the noble lord's speech, and expressed a confident hope that, in no case, the House would be led indirectly to express an opinion upon a measure totally unconnected with the motion before them. He would put it to the candour of the House, and to that of the hon. gentlemen opposite themselves, whether or no the noble mover had said a single word as to the expediency of employing foreign troops in the British service? But the noble lord who spoke last had thought proper to bring forth arguments against a speech delivered in the last session of parliament, and of which he was sure not twenty members present had heard one word. He had listened with the greatest pleasure to the explanation given by the noble lord, as it proved that no unconstitutional measure had been adopted, and he was ready to join in the praises bestowed on the German Legion, which he thought they deserved; but, at the same time, he must observe, that the noble mover was not the only one who had mistaken the meaning of the Order which was the object of the motion; he was sure, on the contrary, that the whole country, as well as himself, had understood it as giving to the Germans in our service permanent rank in the British army. People were apt to be swayed by the obvious meaning of terms, and were not certainly bound to know that in the phraseology of the War-office, 'permanent' meant 'temporary.' This it appeared was the real meaning. He should however like to know if the noble lord, in consequence of his eminent services, had been promised a permanent possession of his office, how he would feel when, at the conclusion of a peace, or perhaps twelve months afterwards, he should be told that permanent meant only temporary, and be accordingly desired to resign his situation.—The very natural misconception arising out of the wording of the Order, led the nation at large to believe, that German officers were to have permanent rank with British officers in the British army. But as he now understood, from the noble Secretary at War, that those officers were only to rise gradually in their corps, according to their seniority, all he could say was, that if this was intended as a recompence for the services of the German Legion, and if they had received it as such, they were certainly the most disinterested soldiers in the world, and the cheapest to be rewarded. At the same time, he thought that the word permanent was not the most accurate expression which could be used in this country in speaking of military concerns; it could not strictly apply to any of our military establishments, and he thanked God that the British army itself was not permanent, but would be disbanded, in fact, unless kept together from year to year by the renewal of the Mutiny Bill.—When he first heard of permanent rank being granted to the German officers, he thought that there had been something peculiar in the constitution of the German Legion, which made that order peremptory on government, and he had heard with equal surprise and satisfaction, by the noble lord's explanation, that there was no intention of giving those foreign officers command in our army longer than the period under which they had been engaged by the sanction of parliament; if so, there was nothing in the Order hostile to the constitution, and he saw no objection to the measure. As to the censure passed generally by the noble lord on those who entertained sentiments adverse to the Germans in our service, he begged leave not to be included in that number.—He felt the value of their services as much as any man; he felt that generals, officers, and

men, had fully done their duty; and he was above entertaining vulgar prejudices against foreigners, especially when fighting in the same cause.—Still it was natural in a free country to look with jealousy to foreign troops. As the case stood, and considering the state of Europe, he saw no danger in the power vested in the crown to employ foreign troops; but if, as every one had supposed, the words of the Order implied the meaning they seemed to convey, if the crown had over-stepped the bounds set to its power, in that respect he thought that no measure could be more deserving of parliamentary censure. As it had been explained by the noble lord, it was a most harmless, unintelligible measure; but if it was acceptable to the German Legion, it was, he would repeat, a cheap way of rewarding their services.

Sir *H. Mildmay*, in consequence of the philippic which the noble Secretary at War had uttered against those who favoured the motion, thought it necessary to guard himself against the imputation of cherishing any undue prejudices against the German Legion, or of being committed by his vote in support of his noble friend's motion upon the general question as to the policy of employing foreign troops.

Lord *Milton* deprecated the employment of foreign officers in the manner in which he understood they had in some instances been employed, and wished to ask the noble Secretary at War a question. If he understood the noble lord rightly, he had stated, that the German officers, while they enjoyed simply a temporary rank, were only empowered to command the corps to which they belonged. But had not baron Linsingen been in the command of a district in this country, and had he not, in consequence, had English militia regiments under his orders? The noble lord might allow that this was improper before the issuing of the Order in question; but did the issuing of that Order render it proper? For his part, he thought such a power would be improper under any circumstances; and here he wished to guard himself against the imputation of vulgar prejudices, being supposed to consider the original employment of the persons composing the German Legion as wrong. They came to this country under peculiar circumstances, and although he could not agree with the noble lord in looking at them as subjects of the king of England, which they were not nor ever had been, but must regard them as subjects of the elector of Hanover; yet still they were so connected with the head of the British government, that it was by no means improper to receive them in England, when the circumstances to which he had alluded drove them from their own home. He would not refuse any favour to them which it was constitutional to grant; but he would refuse to place them in situations which none but British subjects ought to be allowed to fill. But he must protest against the appointment of any foreigner whatever to such commands as he had adverted to. He had no objection to their being employed in commands abroad, but he did not like to see them in command in this country, except in their particular corps. In this distinction he conceived himself founded on the true principles of the constitution.

Lord *Palmerston* said, the noble lord had completely misconceived him. Although temporary rank in the British army in general did not give command in other corps, yet by a particular article in the articles of war, arising out of the act by which they were originally embodied, the officers of the German Legion were rendered as competent to such command, as if they had possessed permanent rank. It appeared, therefore, that the recent Order did not, as the noble lord imagined, give to the officers of the German Legion a power which they did not before possess. With regard to the general alluded to, the truth was, that he never did command a district; there was, however, nothing in the law of the land to prevent it.

Lord *Milton* repeated his persuasion, that baron Linsingen had for some time actually commanded the eastern district, in the absence of lord Chatham.

Lord *Palmerston* observed, that upon lord Chatham's retirement from the command of the district alluded to, another British officer was immediately appointed to succeed him. Baron Linsingen had commanded merely the depôt of the German Legion.

The Hon. General *Stewart* could not possibly consent to give a silent vote when the merits of his fellow-soldiers were under discussion. He bore testimony to the gallantry of the German Legion, whose services he had witnessed on various occasions in the peninsula. Indeed, so highly did lord Wellington, the illustrious general who commands our armies on the peninsula, and whose conduct was the theme of universal applause, so highly

did he think of the fidelity and valour of that body, that he did not hesitate to confide the direction of one of the most valuable corps of his army, namely, the light division, to a German officer, (general Alten). Why then, after such a proof of well-merited confidence in real service, should it be deemed unsafe to commit an English district to the command of a German? Why, while those meritorious officers were entrusted with the command of an army abroad in the midst of war, should they be thought unfit or unworthy to take the command of our army at home? Notwithstanding the partiality he naturally felt for English troops, and particularly British cavalry, yet the Germans had so eminently distinguished themselves in the peninsula, he fully believed, that upon the continent there was but one feeling among the British army upon this subject, and as to the general merits of the German Legion. But let those who saw them not in service, look at the Gazettes for an account of the conduct of these deserving foreigners, and they would be found to have eminently signalized themselves upon all occasions. Such was, indeed, the impression they made, that if the British army could be canvassed, which he was aware would be irregular, he had not the slightest doubt that the grant of permanent rank to the officers of that Legion would have been universally approved of, which grant he, among others, certainly understood to have been the purport of the Order under consideration. According to an arrangement at present upon the continent, any British officer who went into the Portuguese service, was advanced a step in rank; but no such advance had ever been objected to by other British officers. No, such was the liberal feeling of British officers, that they were never found to object to the rewarding of merit. These gallant men were only found to murmur when young men, as was formerly the case, were promoted before merit and experience, merely through undue influence and connection. But British officers would never object to the due promotion of foreigners, particularly where their merit was so eminent as that of the German Legion, and who could doubt that merit? He himself had the honour of commanding a German corps, namely, the First Hussars, which had done more than any other corps on the continent, and a more gallant or more effective body of men he had never met with. The conduct of the German corps too under the direction of colonel Bock at Salamanca, was the subject of universal praise, and in the quarter master general's department, he knew some German officers who, he thought, ought to be preferred to British officers. Besides great clearness and diligence, many of them possessed advantages acquired before the war in the peninsula, and had enjoyed peculiar opportunities for qualifying themselves for the respective situations they occupied. Under all those circumstances, he thought the House should express the sense they entertained of the services of the German Legion, instead of cavilling at the meaning of the words in the Order. The hon. officer concluded with asking pardon of the House for trespassing upon its attention; but he felt it due to truth and justice to bear his testimony to the conduct of a too often misrepresented although highly meritorious corps.

Lord *Milton*, in reply to an observation from the gallant officer, which observation seemed peculiarly addressed to him, thought it necessary to state that his reason for deprecating the grant of a military command to any foreigners at home, although such foreigners as the gallant officer mentioned were invested with high command abroad, was simply this: that in the one case the command was in Portugal, while in the other it was in England, where, according to the constitutional precept and established policy, foreigners were excluded from any such authority.

Mr. *Canning* professed that his mind was inexpressibly relieved by the explanation which the noble Secretary at War had given of an Order, which, until that hour, he certainly understood, in common with the noble mover and the right hon. gentleman opposite, in common with the public, and, as it now appeared, in common even with one of the gallant leaders of that army with which the German Legion was immediately connected, to import no less than the communication of permanent rank to the officers of that Legion, in the sense in which that term was usually interpreted in the British army. The import of that Order seemed to have been nothing less than permanent rank to the officers of the German Legion. He must say again, that his mind was inexpressibly relieved by that explanation, because it proved, that in fact, the law and the constitution had not been violated. It gave him great satisfaction to learn that the

Order in question was so ineffective as the noble lord had described it to be, for whatever might be his sense of the merit of the troops to which it referred, no earthly consideration could have induced him, as a member of that House, acting upon constitutional principles, to have lent his sanction to such a measure, had it possessed the character which he and the country had erroneously attributed to it. To all that had been said of the services of the brave German troops he most heartily subscribed; and if any question had arisen with respect to their merits, the House must feel that the gallant and generous testimony just borne to those merits by a kindred spirit, would have been conclusive on the subject. Unquestionably, the utmost deference was due to the representations of that gallant general, but it was no disparagement to him who had spoken so much to their credit and his own, to say, that while that hon. officer looked at the question with a military eye, it became the House to consider it with a view to its bearing on the constitution. While he cordially concurred in all that had been said, and in all that could be added in praise of the German troops, he could not let his feelings, or the consideration of the existing crisis, so far overpower his duty to his country as to forget (as he thought the noble Secretary at War seemed at one time to forget), that it was necessity alone that justified their employment. Although no man, rationally considering the circumstances of the times, could object to their employment, yet it ought always to be remembered, that to employ them was the exception and not the general rule. Looking, therefore, at the Order as it had been generally understood—as it had been understood by the public as well as by himself—an understanding, he must observe, mainly supported by the comments with which it was accompanied at the time the Order was issued in publications, which, though certainly not authorised, were widely circulated—an understanding, of which the report of that night's debate would convey to the country the first contradiction—he must say, that it would have involved a principle from which it would have been imperative on him utterly to dissent. Nor was it surprising then, that this Order, apparently identifying foreigners with our own army, should have excited considerable astonishment. Nay, remembering the constitution in its purest state, even a considerable degree of jealousy would have been excusable. In the best and earliest times of our renovated constitution—in the reign of that hero to whom we were indebted for that constitution—in the case of the very troops which had been called in to secure the establishment of that constitution—in the case of the Dutch troops in the service of king William, although that great sovereign and benefactor of the country descended almost to supplicate on his knees the House of Commons to allow him to retain his own guards, they would not permit it as soon as the necessity for their presence ceased to exist. Calling all this to mind, he could not consider apprehensions upon such a subject altogether groundless; and he was convinced that, not with an unwise and unprecedented zeal, but in the spirit that had thus grown up with the constitution itself, it would have behoved every man in that House to look at the Order in question, had its purport been such, as until that night it had universally been supposed to be. Although he certainly was not in the habit of paying the noble lord who had made the present motion many compliments, he could by no means indulge in any sneer against him, for having brought under the consideration of parliament a document so enigmatical, as even to deceive the companion in arms of those to whom it related. On the contrary, he thought the noble lord was in the present instance entitled to the gratitude of the House and the country, for having produced the explanation which had been afforded by the noble Secretary at War, and for having thus put him (Mr. Canning) in a situation which permitted him, instead of supporting the noble lord's motion, to pay him a compliment, and vote against it.

Lord *Folkestone* rose in reply. He said that if he was pleased at some things which he had heard that night, he was beyond measure ashamed at other things which he had heard. When he had seen our young men and officers adopting German dresses, and Germanizing themselves as much as possible, undertaking every thing German, and so attached to the fashion of the day as in deference to it to cast off every thing English, he felt disgust at it; but when he now heard the German soldiers preferred to the British from a high authority, he felt the greatest pain. When a gallant general said that they were better than the British—

General *Stewart* rose to order, and said, he had never made such an assertion. He had only spoken of one corps, the first Hussars, whom he stated as the admiration of the army.

Lord *Folkestone* continued. He understood him distinctly to have spoken of other military departments also, in which he had given the preference to the Germans. The compliment to the Germans he considered rather extravagant; but the gallant general having denied the words imputed to him, he should relinquish that topic, and proceed to advert to the speech of the noble Secretary at War, who had taken occasion this night to reply to statements and arguments which he had brought before the last parliament. But the reply of the noble Secretary he felt to be quite ineffective, first, as to the statement that baron Linsingen commanded the eastern district; he maintained that it was correctly true, that this baron, as commander of the district, ordered out the garrison of Ipswich (among which garrison were some English militia), in order to review it, and that he had done several other acts in the quality of commander of the district. But baron Linsingen was not the only foreign officer in such a situation, for there were in fact four or five other foreigners invested with such commands. Thus was the Act of Settlement outraged; but it had become a habit with certain persons to treat acts of parliament with evasion and indifference, as in the present instance, where though the law expressly prohibited such employment of these foreign officers, and stated that they were only to be allowed commands in their own particular corps, "inasmuch as they could best drill them, from being acquainted with their language and manners," yet not the slightest regard was paid to this wholesome constitutional provision. According to the act originally constituting the German Legion, the ground alleged for appointing German officers, was, that from their acquaintance with the German language and manners they were best fitted to discipline and command such corps; but what ground of utility or expediency could be alleged for appointing such officers to command in the British army? Here the Act of Settlement was violated without any thing like a plea; but so were other acts also. For example, according to the act relating to the constitution of the 60th regiment, not one of that corps was ever to serve out of America. Yet the prescription of the act had been wholly overlooked. In fact, one battalion of this regiment was now serving in the peninsula. He did not mean to find fault with such employment of that battalion, but with the manner of sending it out. He objected to the violation of the law. Why was not application made to parliament to repeal the law, if found objectionable, instead of acting directly in its teeth—instead of treating the law, and consequently the legislature, with contempt? No man would object to such employment of them, if ministers, instead of breaking an act of parliament, would come to parliament and point out the necessity of such a change of destination. Parliament would, no doubt, attend to any application to remove an exceptionable law;—but it seemed too much trouble to pay due respect to parliament. It was a shorter course to do as men pleased themselves, than to consult others, and particularly a superior authority. The Secretary at War appeared fonder of looking over the map of Europe than the Act of Settlement, or the constitution, but the latter were in his opinion fully as deserving of attention as the former. How great had been the solicitude of parliament to render the provisions of the Act of settlement effective. Not only at the Revolution did our ancestors refuse to allow Dutch troops to stay in this country, but on the accession of the House of Hanover, there was an act in the very first year, which had directly in its contemplation the employment of Hanoverian troops. It was against this very description of force, that our ancestors shewed a constitutional jealousy at the time of passing the Act of Settlement. Even in the reign of George 1st this jealousy had not subsided, but statutes were passed to guard against the appointment of any foreigner to any place civil or military, in this country: and making that provision a specific clause even in every naturalization Bill.

With respect to the challenge of the gallant officer to look to the Gazettes, in order to ascertain the achievements of the German Legion, he had taken occasion to review those Gazettes, because a similar desire had been before expressed to him by others, and he was happy to find that in glory, as it appeared from the losses, the British army was not inferior, compared with those highly-applauded, those particularly-favoured foreigners. For what was the comparison? Why, let the House

and the country judge from a few instances. The day preceding the battle of Talavera, six battalions of infantry and one regiment of cavalry belonging to the German Legion, lost in killed and wounded 125; two battalions of the 87th regiment, ditto, ditto 164.—Battle of Busaço: Four battalions and two detachments of the German Legion, lost &c. 59; one battalion of the 45th regiment 137; one ditto of the 88th regiment 133.—Assault of Ciudad Rodrigo: Total British loss 626; German ditto 0.—Capture of Badajoz: British loss in killed and wounded 3070; German loss 0.—Battle of Albuera: Two battalions of the German Legion, lost &c. 104; two ditto of the 7th regiment of infantry 682; one ditto of the 48th ditto, ditto 273; one ditto of the 29th ditto, ditto 325.—Battle of Salamanca: Five battalions of the German Legion 96; one ditto, 3d of 1st foot 160; one ditto, 1st of 7th 195; 11th 341; 58th 143; 61st 366.—Upon this review the country might decide which description of force encountered most danger, suffered most loss, gained most glory, or was entitled to most praise. To some persons he knew it would be absurd to appeal. From those who paid more regard to their own will than to law or reason; from those who could originate an Order apparently designed, and since it was issued he would undertake to say notoriously conceived, to involve a direct violation of law, he could not expect due attention. But he looked to the members of that House, who must feel, that whatever difference of opinion might prevail upon general questions, the explanation of this extraordinary Order was calculated to do good—and he hoped that that explanation would be rendered effective for the satisfaction of the army and the public. With this view, he suggested that the explanation of that night ought to be put into an official shape, and promulgated, in order to do away the general misunderstanding, and he would add, the general discontent to which the Order under discussion had given birth. Perhaps the manner in which the debates of that House found their way to the public, might be deemed sufficient to give all desirable publicity to the explanation; but he thought it would be more satisfactory, especially to the army, to adopt the course he had suggested. The noble lord concluded with asking the Secretary at War, to say upon what authority he learned that the German officers understood the Order as he had this night explained it to the House?

Lord *Palmerston* answered upon the authority of general Dekin, who was the senior Geman officer in this country. He also in explanation contended that he had not expressed any contempt of the Act of Settlement. The command was temporary, and was founded on the Article of War, applicable to the German Legion, by which these officers took precedence. He also saw nothing unconstitutional in the assumption of the command of a district by baron Linsingen, as it must have devolved upon him in the absence of lord Chatham, and was perfectly agreeable to the Article of War to which he had alluded. The noble lord appeared to have totally mistaken the nature of the reference to the Gazettes; for the proper, and in fact, the only way to make the reference was, to establish a fair estimate by the comparison of numbers, as equal as possible, between certain proportions or corps of the British army and the German Legion.

Lord *Folkestone* maintained, that he had founded his estimate upon that very comparison which he was charged with not having made.

Mr. *Cochrane Johnstone* wished to state, in reference to what had been said of the comparative merits of British and German officers, that five of the generals who had received thanks for their conduct at the battle of Salamanca, belonged to the German Legion.

Mr. *Whitbread* assured the House, that after the arguments which had been advanced, and the explanation which had been given, he should not trouble them at any length. He paid a compliment to the generous and liberal sentiments expressed by a gallant general (Stewart), on the eminent services and distinguished bravery of the German troops employed in Spain. The mutual enthusiasm and unlimited confidence excited in the officers of the army, by the exploits of others serving with them, ought, however, to increase, instead of lessening the jealousy with which we ought to guard against the incorporation of foreign troops with our own. This was not a military question, nor one in which we were to appeal to the sentiments of the army. It was a constitutional question, on which the members of that House were to decide, as the guardians of the rights and civil liberties of the country. What he had risen for, was to direct the

attention of the House to a circumstance which had not been noticed, the affectation which so generally and ridiculously prevailed of imitating the dress of foreign soldiers. All characteristics of English regiments, especially in the cavalry, were completely obliterated. From the known predilection for this dress in a certain quarter, our troops were so Germanised or Frenchified in their appearance, that the most serious consequences were to be apprehended. In more than one instance, this mischievous apish imitation had proved fatal. In fact, English soldiers had fallen, and English officers had been taken prisoners in consequence of mistaking a corps of French troops for our own, and in the retreat from Salamanca, one of our officers was near being killed by order of a brother officer, who supposed him to be French. Notwithstanding the general sense entertained on this subject by the army, either remonstrances had not reached the source from which the remedy must spring, or had been ineffectual; so far had taste prevailed over judgment. Whatever might be our admiration of foreign troops employed with our own, there was surely no need to confound the two services together; each might retain a distinct uniform and independent character of its own. He could not abstain from expressing his concern at the conclusion of the speech of a right hon. gentleman (Mr. Canning), who after the strongest and most pointed arguments in favour of the propriety of the motion, expressed in language which only that gentleman could command, had declared his intention of voting against it. This conduct of the right hon. gentleman was, however, nothing new: he had been a good deal in the habits of speaking on one side of the question, and giving his vote on the other; nor should he, after that night, ever think himself entitled to calculate upon his support in a division from the arguments he might have made use of in the course of the debate.

The original motion was then negatived without a division. The other motions of lord Folkestone were then agreed to as follows: 1. "That there be laid before this House, a Return of the number of foreign officers and soldiers serving in British regiments, distinguishing the officers from the soldiers, and specifying the regiments in which they are serving. 2. A Return of the number of foreigners having staff appointments at home, specifying the nature of the appointments, and the dates thereof. 3. A Return of the number of officers belonging to the 60th regiment of foot having staff appointments at home, specifying the nature of the appointments and the dates thereof."

HOUSE OF COMMONS.

Friday, December 11.

STAMFORD ELECTION—PETITION OF MR. NOEL AND OTHERS.] A Petition of Gerard Noel Noel esq. William John Tatam, of the borough of Stamford, and William Lowe Peake, of the said borough, butcher, was read; setting forth,

"That, at the last election for the said borough held on the 6th, 7th, 8th, and 9th of October last, the petitioner Gerard Noel Noel, together with lord Henniker and Evan Foulkes, attorney at law, were candidates, and the petitioners W. J. Tatam, and W. L. Peake, had a right to vote at such election; and that the petitioner G. N. Noel was injured in his said election, and the other petitioners in their right of voting at the same, by reason that the said election was not held in the usual place in which, from time whereof the memory of man is not to the contrary, the election of burgesses to represent the said borough in parliament have accustomed to be held, notwithstanding the place used for holding the election was objected to by the petitioner G. N. Noel and by reason that the person who was appointed by Mr. Jeremiah Belgrave, the mayor of the said borough, and returning officer at the said election, on the 1st, 2d, and 3d days of the election, to be his assessor, viz. James Torkington esq. barrister at law, and which assessor or assistant was continued in the same employment by Mr. Henry Parker West, the succeeding mayor of the said borough, and returning officer for the said election, on the 4th and last day of the said election, was not appointed with the approbation of the petitioner G. N. Noel, and did manifestly discover partiality in favour of the said lord Henniker and Evan Foulkes, in his decisions on the votes taken; and by reason that James Tomlinson, who was the sworn clerk to take the poll at the said election, did notoriously alter one of the rates of the parish of Saint Mary, in the said borough, after the same had been signed by the magistrates, thereby to impose upon the returning officer, and to enable one Robert Miller to vote, and thereby to promote the

election of the said lord Henniker and Evan Foulkes; and that the name of the right hon. lord Brownlow, the lord lieutenant of Lincoln, and a peer and member of the Lords House of parliament, was made use of to influence the votes of electors at this election, in favour of the said lord Henniker and Evan Foulkes; and that the petitioners W. J. Tatam and W. L. Peake, did severally tender their votes at the said election for the said G. N. Noel, (that is to say), both of them on the 2d day of the said poll, and were unjustly hindered from polling, and refused to be received on the poll, by the said J. Belgrave, and J. Torkington; and that other legal votes tendered for the said G. N. Noel were rejected, and other persons not legally entitled to vote, were admitted to vote; and that sundry voters were induced by threats, and other corrupt means, to vote against the petitioner G. N. Noel, who might otherwise have been at the head of the poll; and praying the House to take the premises into consideration."

Ordered to be taken into consideration on the 23d of February.

BRISTOL ELECTION—PETITION OF MR. HUNT AND OTHERS.] A Petition of Henry Hunt, of Rowfant House, in the county of Sussex, esq., William Pimm, of Bristol, salesman, Thomas Pimm, currier, William Weetch, clothier, and Thomas Gammage, cabinet-maker, was read; setting forth,

"That the petitioners W. Pimm, T. Pimm, W. Weetch, and T. Gammage, now are, and, at the time of the last election were electors of the said city, and claim to have a right to vote, and did vote at the said election; and, at the said election, the petitioner H. Hunt, together with Richard Hart Davis esq. Edward Protheroe esq. and sir Samuel Romilly knight, were candidates to represent the said city in this present parliament; and that the said R. H. Davis esq. and Edward Protheroe esq. by themselves, their agents, friends, managers, committees, partizans, and others on his and their behalf, previous to and at the said election, were guilty of gross and notorious bribery and corruption, and, at and during the said election, and previous thereto, the said R. H. Davis and the said E. Protheroe, by themselves, their agents, &c. did corrupt and procure divers persons, as well those who were qualified to vote, as those who claimed or pretended to have a right to vote at the said election, to give their votes for them the said R. H. Davis and E. Protheroe esquires; and did also, by gifts and rewards, and promises, agreements, and securities for gifts and rewards, corrupt and procure divers other persons, being qualified to vote at the said election, to refuse and forbear to give their votes at the same for the petitioner the said H. Hunt, or the other candidate, contrary to the laws and statutes enacted for the prevention of bribery and corruption; and that the said R. H. Davis and E. Protheroe, by themselves, their agents, &c. were guilty of the most flagrant and notorious acts of intimidation, thereby basely and unlawfully procuring, by threats, divers other persons, being qualified to vote at the said election, through the fear of being persecuted, ruined, imprisoned, and otherwise ill used and punished, to forbear to give their votes for the petitioner the said H. Hunt, or the other candidate in violation of the rights of the electors, the privileges of parliament, and the freedom of election; and that the said R. H. Davis and E. Protheroe, by themselves, their agents, &c. after the teste of the writ for the said election, and before the election of the said R. H. Davis and E. Protheroe, did give, present, and allow to divers persons who had votes, or claimed or pretended to have a right to vote at such election, money, &c. in order to their the said R. H. Davis and E. Protheroe being elected, and to procure them to be returned for the said city in violation of the standing order and regulations of the House, and in defiance of the laws and statutes of the realm enacted for the preventing charge and expence in the election of members to serve in parliament; and that a large body of military, consisting of the Middlesex militia, were quartered within two miles of the said city, many of whom were actually stationed within the walls of the said city during the whole of the said election; and that col. Gore, commandant of the Bristol volunteers, gave orders the day before the election commenced, to have two pieces of brass ordnance six pounders removed from the Grove, where they had been kept for the last two years, and had them placed upon the Exchange, where they remained during the whole of the said election, to the terror of the electors and peaceable inhabitants of the said city, regardless of the privileges of the House, and contrary to the statute of the 8th of Geo. 2, c. 30, in that case made and provided; and that a great number of freemen were employ-

ed by the said R. H. Davis and E. Protheroe, or their agents, &c. &c. under the denomination of bludgeonmen or pretended constables; and that various sums of money were paid by the said R. H. Davis and E. Protheroe, or by the agents, committees, friends, managers, or others on their behalf, to influence such of them as were entitled to vote, or pretended to have a right to vote at the said election, and to induce them to give their votes for the said R. H. Davis and E. Protheroe esquires; and that the poll was closed by the sheriffs, the returning officers, two days sooner than by law directed, notwithstanding the petitioner, the said H. Hunt, openly protested against it, several freemen at that time having offered to poll for the said H. Hunt, which votes were refused to be taken and entered on the poll, and notwithstanding the sheriffs were publicly informed that many other voters were on the road, who were coming with the intent to poll at the said election; and praying, that the House will take the premises into their most serious consideration, and that the election and return of the said R. H. Davis esq. and E. Protheroe esquire, may be declared to be null and void."

Ordered to be taken into consideration on the 25th of February.

MALT-DUTY BILL.] On the order of the day for the second reading of this Bill,

Mr. *W. Dundas* rose on the part of the maltsters of Scotland, from whom he had received such a representation as urged him, from a strong sense of duty, to call the attention of the House to this subject. It appeared to him, indeed, that if the limitation fixed in the measure before the House were insisted upon, there would be no malting in Scotland, and of course there would be no duty. According to the act of last year, the time allowed for steeping barley was settled at 55 hours; but this being found quite insufficient for the maltsters of Yorkshire and the northern counties, this Bill was introduced to correct that mistake, and to extend the time to 65 hours, because from the comparative inferiority of the barley in these districts, such extension was found absolutely necessary. Now what he had to require on the part of his countrymen was, that as they were still more northerly, and their barley still inferior from the inferiority of the soil, a still farther extension might be granted to them. The reason assigned for this limitation of the time in steeping barley, was avowedly to prevent frauds upon the revenue; but as no such frauds could be charged on the Scotch maltsters, by whom none such had been committed, the excise of last year having been unusually productive, amounting indeed to 130,000*l.* that reason could not be pressed against them. For them, therefore, he felt himself justified in urging a claim of extension to 75 hours, which extension they deemed indispensibly necessary to carry on their trade. He was sorry to find that this appeal and that of his friends in Scotland, to his friend (Mr. Wharton,) had been found totally unavailing. Yet when the Scotch maltsters laid their case before the commissioners of excise in Scotland, between whom and them there was, as in such relations generally, a natural antipathy, the commissioners were so struck by the grievance to which the maltsters were subjected, that they allowed an extension of the time for steeping malt, to 80 hours. This allowance was made in October, 1812; but upon reference to his hon. friend, the boon was ordered to be revoked. All he asked then, if it was not wished to extinguish the Scotch maltsters, and so to injure both agriculture and the revenue, was, that the very peculiar circumstances in which the Scotch maltsters were placed should be reconsidered—at all events, that provision should be made in the Bill, investing the commissioners of the excise in Scotland, or the commissioners of the treasury in England, with a discretionary power to grant the extension of time required by the Scotch maltsters if they should succeed in making out a case worthy of such extension.

Mr. *Lascelles*, on the part of the maltsters of Yorkshire, protested against any disposition to commit fraud, in requiring the extension of time proposed to be granted by this Bill; these maltsters having, indeed, themselves suggested a penalty upon fraud, the infliction of which must nearly produce the ruin of the guilty. He was glad, therefore, that the application of his constituents had been attended to; but if the object of that application should not, upon trial, be found fully answered by the provisions of the Bill, he should, seeing a clause in the Bill, allowing its repeal or amendment in the course of the session, feel himself competent to apply for a futher extension of time for the steeping of malt in Yorkshire.

Mr. *Wharton* felt confident, that the ob-

servations of his right hon. friend were totally founded in mistake; and if he could shew that the premises were incorrect, the House would know how to appreciate his conclusions. His right hon. friend had asserted the inferiority of the barley used by maltsters in Scotland, whereas, in point of fact, that barley was generally of the very finest quality. The grain alluded to by his right hon. friend, and upon which he appeared to have received some information, was not barley, but big; and even that grain, growing upon land generally let at from 8 to 10*l.* an acre, could not be set down as so inferior, or the growth of land so poor in quality, as his right hon. friend had stated. But his right hon. friend had been generally misinformed upon this subject, although referring to his native country. There was no doubt, a great deal of poor land in Scotland, which, of course, would grow poor grain. But it was notorious, that the greater part of the barley used by the Scotch maltsters, was of the very best quality, being the growth of Norfolk. This Norfolk barley was, in fact, bought cheaper in Edinburgh, than in London; and if then the proposition of his right hon. friend, or rather the petition of the Scotch maltsters, which applied for an extension of 100 hours, were acceded, the consequence would be, that such barley might be steeped twice within the time required. Thus, indeed, the revenue might be completely defrauded. But, according to the assertion of his right hon. friend, the Scotch maltsters were incapable of fraud—according to him, truly, they never had any such disposition—there were no frauds upon the revenue in Scotland, whatever might occur elsewhere. What, however, was the fact? why, that in the year 1809, which was the last to which he had referred, the convictions for fraud upon the excise amounted in England to but 1321, while in Scotland they exceeded 4500 (a general laugh.) Then as to 100 hours, applied for by the Scotch petitioners, he undertook to assert, that no barley in nature could require such a period, and that 65 hours, which the Bill proposed to grant, were amply sufficient for every purpose of saturation. If, however, the contrary should be the case, and a farther extension of time should be found necessary, the Bill was so modelled as to leave room for speedy amendment, which amendment he should be as ready to support as any man; being at all times ready rather to release some part of the system necessary to check frauds, than to wish any injury or undue inconvenience to the fair trade.

Mr. *Dundas* asked, whether the convictions for fraud upon the excise in Scotland adverted to by his hon. friend, did not relate to the manufacture of whisky, and not to malting?

Mr. *Wharton* answered in the negative.

The Bill was then read a second time.

MOTION FOR RESCINDING MR. VANSITTART'S RESOLUTION RESPECTING GOLD COIN.] Mr. Lushington appearing at the bar to present a Report,

Mr. *Whitbread* conceiving the Report about to be presented to be that of the Gold Coin Bill, thought proper, before it was presented, to submit a motion to the House. Having failed to make the right hon. the Chancellor of the Exchequer ashamed of the third Resolution inserted on the Journals in May last, declaring "That the promissory notes of the said company have hitherto been, and are at this time, held in public estimation to be equivalent to the legal coin of the realm, and generally accepted as such in all pecuniary transactions to which such coin is lawfully applicable," he thought it necessary, for the sake of truth and the character of the House, to propose that the resolution should be rescinded, which proposition he would submit without any debate.

The *Chancellor of the Exchequer* said, that as the hon. member expressed his intention to propose the rescinding of the Resolution alluded to, without any debate, he should, without any debate, support it. But at the same time he was ready, upon any day that might be appointed, to enter fully into any discussion upon this Resolution, and to justify its terms and character.

Mr. *Whitbread* declaring his desire to take the sense of the House upon this motion,

The House accordingly divided: For the motion 26: Against it 63: Majority 37.

List of the Minority.

Abercromby, Hon. J.
Bankes, H.
Bennet, Hon. H. G.
Creevey, T.
Calvert, C.
Canning, G.
Fitzroy, Lord J.
Foster, F.
Gurney, Hudson
Grant, J. P.
Gordon, R.
Hamilton, Lord A.
Horne, W.
Huskisson, W.
Lubbock, J.
Mildmay, Sir H.

Martin, J.	Robinson, G. A.
Montgomery, Sir H.	Rancliffe, Lord
Macdonald, J.	Smith, R.
North, D.	Smyth, J.
Protheroe, E.	Thornton, H.
Phillips, G.	Whitbread, S.

Gold Coin Bill.] The report of this Bill being brought up,

Mr. *Huskisson* stated, that as his opinions on the subject then before the House were generally known, he would not tire their patience by going at great length into the question, in reference to the law of the land, and the principles of justice. He was disposed to think, that, out of the walls of that House, notwithstanding the assertions of his right hon. friend the Chancellor of the Exchequer, they would not be able to find any one person who would agree in the Resolution which they had just affirmed, any more than they could, in the ordinary business of life, procure a guinea; all that description of coin having completely disappeared. If any person could doubt that there was a depreciation of the paper currency, he knew no better mode to convince him of the fact, than by drawing his attention to the Bill then on the table. His right hon. friend had argued, that the paper could not be depreciated, if three conditions were acceded to: first, that the coin of the realm should pass at a current rate, to be fixed by the sovereign authority of the state; second, that the paper currency should correspond with the denomination of the coin. These two principles were acted upon in all states. The first constituted the essence of money; the second was its representative. But his right hon. friend found a third condition necessary to prevent the depreciation of this representative, and which they were then labouring to effect by this law. To render the current coin and Bank paper equally valuable, a penalty must be inflicted on those who disposed of the former for more than the price attached to it by the sovereign authority, or who disposed of the latter for less than its nominal value; and then they came to this conclusion, that if the paper money was so depreciated, as that 1,000*l.* of it would not purchase a quartern loaf; yet if, by a penal law, its denomination was secured, no depreciation whatever could be allowed to exist! He had, however, the admission of the right hon. gentleman himself, that in Ireland the paper currency was depreciated, because the guineas in that country were disposed of at a premium. Now, this depreciation took place in the interval between the passing of this act in 1811, and their renewal of it in the last session, when it was first extended to Ireland. And could any person attempt to maintain, that this depreciation, which existed before the law was made applicable to Ireland, did not equally exist afterwards? Certainly, the act could not produce such an effect. As a proof that the paper currency was not in that sound state which some gentlemen contended for, he instanced the circumstance of the treasury having last year sent out a quantity of Bank-notes to Canada, to pay the army and establishments in that country. His right hon. friend, he supposed, thought that these notes would be held in equal estimation with the public in Canada, as his Resolution set forth they possessed in Great Britain. Whether the wrappers in which they were enveloped, had this celebrated Resolution engraved on them, he could not ascertain; but, when they arrived in Canada, what was their fate? These Canadians, whose loyalty and allegiance had been so deservedly praised by the Prince Regent, in his Speech at the commencement of the session, not being liable to any penalty for the act, at once set their own estimation on the notes, and disposed of them at a discount of about 30 per cent. Now, he would ask, if the notes so transmitted then, were disposed of at a discount, could they, on being returned to this country, by the operation of the Bill then before them, be immediately restored to par? He supported the first part of this Bill, but he never was an advocate for the principles on which it was founded. Those principles had been carried to a very great length, by many individuals, in both Houses of Parliament, who seemed to think that the Bank restriction opened a new field and system of political finance. He could not view it in this light—his reason for entertaining this part of the Bill arose from a very different principle—it arose from a feeling of the necessity of the case, from the very alarming state in which the currency of the country now stood, occasioned by the measure of the Bank restriction being so long continued. The part to which he alluded was that, which to all practical purposes, rendered Bank-notes a legal tender; and perhaps it would have been better, if a direct proposition to legalise such tender had been made. To

the second division of the Bill, which went to prevent the disposal of the current coin of the realm for more than its legal denomination, or of Bank-notes for less, he was decidedly adverse. The Bill was originally introduced in the other House of parliament, with views very different from those on which it had afterwards received the support of his Majesty's ministers—which were, to rescue the debtors throughout the country from an undue severity. The object of the noble earl (Stanhope) who proposed it was to introduce book-entries, which should at once supersede the necessity of coin or of Bank-notes; and the ministers adopted so much of the Bill as would protect the debtors, placed, as they were, by the Bank restriction, in a most awkward situation. They interfered to the extent of preventing any creditor from insisting on that "good and legal payment" of his debt (that was in current coin) which it was not in the power of the debtor to make. In originating this demand, the noble lord (King) had done what he certainly had a right to do; but, then, the matter came to this, that what he required, every other creditor in the country had an equal right to demand; and he had the authority of the noble lord himself for saying, that this would be a most unjustifiable proceeding. In the notice to his tenants, he spoke only of leases executed before the passing of the Bank Restriction Act; and therefore allowed that those whose rents were raised, in consequence of the depreciation of paper, by that act, and who were paid through that depreciated medium, ought not to be called on for any addition. If the system had been pursued, the man who had deposited 1,000*l.* in notes, with his banker in the morning, might be called on in an hour to pay in cash; and, by this means many persons would be placed at the mercy of those who entertained malice against them. This was a state in which the country could not be left; and he was surprised that gentlemen should have opposed the whole Bill, as utterly unnecessary. On that ground alone, because he clearly saw the necessity, did he approve of the first part of the Bill. But there were many public creditors who had advanced hundreds of millions for the service of the country, and who, since the Bank restriction, were placed in the same situation with every individual in the kingdom, receiving their dividends in Bank-notes; and he would ask, was it possible that those who had trusted to the honour and faith of the public, should be left in so disadvantageous a situation? Parliament, it was true, might not have interfered, but it would have been most unjustifiable, and would have placed the country in a state of danger. If they had not passed the first part of this Bill, which protected the debtor, they must have repealed the law, which prevented the public creditor from receiving his dividend in Bank-notes, and Bank-notes only, or, in other words, they must have opened the Bank: it was a matter of option, and he supported that course which seemed least likely to create mischief—but in giving that support, he was not influenced by any approbation of the principles on which the Bill was founded; they were contrary to the law of the country, and could only be justified by necessity. The second part of the Bill was no less a violation of the principles of law and justice, without being founded on any necessity whatever. It had an effect the very reverse of what was intended by those who supported it. Let the House look to the experience of the last eighteen months. Did this part of the Bill effect that which was contemplated? Did it occasion guineas to pass current at their current rate? Could any gentleman state an instance of one being passed at the rate established by the king's proclamation? On the contrary, it had driven all the guineas, crowns, half-crowns, and even shillings (except those which were very much debased) out of circulation. It was clear that it did not preclude individuals from disposing of their guineas at the highest price they could procure. The law was evaded every day; and the only case in which it could succeed, was, where persons were seduced by those who were particularly employed for the purpose, and then prosecuted, and involved in the penalties of the act, through the cunning of others. Some convictions of that kind, he believed, had taken place. It was therefore most evident, that any man, in spite of this law, might sell his guineas, or crown-pieces, for what he supposed they were worth, without any fear of detection. Some millions of guineas had been exported to France and other countries, since the first introduction of the Bill—not for want of exertions to prevent such exportation, but because it was as impossible to execute this law, as that against melting down the coin of the realm. The ancient law of

the country prohibited most ineffectively, the melting down or exporting the current coin—and now they superadded to these, a law, the direct operation of which was, to give a premium of 25 per cent. to every man disposed to export or melt down the metallic currency. For, if guineas disposed of in France procured a return on England of 25 per cent. more than they would produce here, it must act as a temptation to those possessing that species of coin, to send them abroad; and, on the other hand, if the guineas were melted down, the owner would realise an equal profit for his bar of gold. If this law did not cause exportation, there was but one other effect that could be produced by it —that of inducing people to hoard their gold. This certainly could not be looked upon as an advantage; it was, on the contrary, a very great evil, and was so denominated by every writer on political economy. At the present moment, it was an evil of more than ordinary magnitude, when the government were endeavouring to procure those supplies of bullion which were necessary for the army in the peninsula, and the want of which had operated not only to the general disadvantage of our forces there, but had occasioned great difficulties to many of the officers employed on that service. Yet, at such a moment, they were enacting a law, which must induce men either to hoard their gold or to send it out of the country. He never heard any ground of necessity alleged for this part of the Bill. Perhaps it was intended to support his right hon. friend's third Resolution; or to prevent two prices in the sale of articles. Now, would there be any great evil, if there were two prices? For his own part, he knew of none. Two prices existed in this country in former times: for instance, in the reign of king William, when, in consequence of the debasement of the silver currency (the measure, at that period, of all the commodities of life) the gold currency was raised to a greater value, in reference to that debasement. Guineas were not then tied down to one price, but rose with the depreciation of silver; and two prices (not in the common acceptation of the word) took place—that was, the silver coin having been debased, a guinea would procure a greater quantity of goods than 22 of those inferior shillings. In the same way, before the passing of this Bill, every thing was measured in Ireland by the standard of guineas, which were at a premium, while notes were at a discount: of course, a purchaser, with gold, procured more goods than he who tendered a nominal sum in paper. And it could not be denied, that the moment the legislature made Bank-notes, as they had virtually done, a legal tender, the gold and good silver disappeared; and guineas were now, like foreign coins, measured by their intrinsic, not their stipulated value. The hon. gentleman then adverted to the Portuguese paper, which he admitted was at a discount; but, as no legislative protection was afforded to it, as was the case here, the metallic currency of that country had not vanished like ours. And this enabled us to provide, though inadequately, for the wants of our army in the peninsula. For all the reasons he had stated, and because it appeared to him that the second part of the Bill was not founded on any necessity, and only encouraged the exportation of our coin, he thought the House should confine themselves to the provisions of it, by which the public creditor, who was compelled to take Bank-notes, was protected, and by which relief was also afforded to the great body of debtors throughout the country.

Mr. *Rose*, differing from the hon. gentleman in his view of the second part of the Bill, took that opportunity of stating his opinions. He did not mean to deny the fact of Bank-notes having been transmitted to Canada, but he certainly had no previons knowledge of it: he had never before heard of such a transaction. If, however, the notes had been sent there, he could not conceive how a depreciation of 30 per cent. could have taken place, for, undoubtedly, as they were payable at sight, they must be considered at least as good as bills of exchange. The hon. gentleman did not express a wish that the Bank restriction should be taken off immediately. Now, in this point, he differed from several members of the Bullion Committee. It was proposed that the restriction should cease at the end of two years. One hon. member of that committee, however, was desirous that the period should be extended, from time to time, as circumstances warranted; while another wished that it should peremptorily cease and determine, at the expiration of the first-mentioned period. So that it was apparent, from this difference of opinion, that if the legislature had enacted that the restriction should terminate in

two years, it would have created a degree of confusion in the country, from which nothing could have extricated it. For what use would it be to compel the Bank to open, without the means of paying in cash were given to the Company? And where were they to procure the precious metals for that purpose? Some gentlemen had said, that gold could be imported from Africa, and from the American market. But this could not be done, unless there was a surplus balance of trade in our favour, and as often as gold was higher than the Mint price, it was impossible to coin that metal; it was, in fact, totally impracticable. The right hon. gentleman on this head, quoted the authority of Mr. Harris, who had a situation in the Mint, and who was, of course, interested in the increase of coinage. He had stated, many years ago, "That when bullion was above the Mint price, there were but two ways of affording a coinage to the public; the one by debasing the standard; and the other, by purchasing bullion at the advanced price of the market, and converting it into coin with loss. But this would not answer the desired purpose; for that coin being below the market value of bullion, would be melted as soon as issued, sold again as bullion at an advanced price, and so on in an endless rotation, until the bullion market found its level again." The right hon. gentleman argued, that such being the case at present, it must strike every one that it was impossible for government to coin; and if no coin was issued, how could the Bank resume its payments in specie? He was as ready as any man to ascribe lord King's conduct, which had rendered the present measure necessary, to the purest motives; but it was not less mischievous on that account. It had been the boast of gentlemen on the other side, that no landlords had followed the noble lord's example, but he felt confident that many would have done it, had not a check been seasonably put to the practice. The right hon. gentleman then adverted to the situation in which, but for a Bill of this nature, the public creditor would be reduced. He would receive his dividend in Bank-notes, at the rate of 20 shillings, but when he should go to market with these notes, he would soon find that they were current only for 15 shillings, or perhaps less, for the value of Bank-notes would be of course regulated by the fluctuating price of gold. The right hon. gentleman could not possibly conceive that any system could be devised more pregnant with injustice to the public creditor, and with more confusion to the state. If on the one hand it was argued, that the public creditor had a right to ask his dividend in coin, why, by the very same reason, and in consequence of it, the collectors of taxes had a right to insist on being paid in guineas; and who could foretel the end of that double price in the transactions in life, which was at all times so much deprecated, that under king William no less than two Bills were passed to ascertain the precise value of the guinea? The present high price of bullion, which had created so much discussion, could not, in his opinion, be attributed to any other cause whatever, but to the balance of trade being against us in the present state of the world; for it was evident, that when a country imported more goods than it was allowed to export, the balance must be paid in bullion. But instead of reverting to that plain and obvious cause, this temporary evil had been attributed by some to the excessive issue of Bank-notes, and that idea had been productive of the most mischievous consequences. The right hon. gentleman then adverted to the statements contained in the Appendix to the Report of the Bullion Committee. By the tables contained in that Appendix of the Price of Gold, compared with the issue of Bank-notes, and with the price of coin, it was evident that the amount of the paper circulation had no effect whatever on the price of either of those commodities. The right hon. gentleman did not expect, indeed, that the Bill before the House could have the effect of preventing the exportation of coin, as long as bullion should continue at the present price, but the Bill would prevent the confusion necessarily arising from double prices in all the transactions of life, and in this point of view, it was his most anxious wish that it should pass into law.

Mr. *Preston* maintained, that Bank-notes were not depreciated, but that the price of gold had risen, which had given the idea of the supposed depreciation. But if Bank-notes had really decreased in value, goods, which were purchased with them, and especially landed property, had risen to a proportionate nominal increase of price. The contrary, however was the fact; and the fair consequence to be deduced from it was, that

Bank-notes had not depreciated, however the price of bullion might have risen. The Bill before the House went to prevent the traffic in guineas, to which this rise in the price of the precious metals, and the rapacity of individuals, had given birth; and no measure could be more proper; for surely a man who fairly received a guinea at its stated price in the usual dealings of society, could not be allowed to make an unfair profit by it. The hon. gentleman thought that almost at any rate the legislature should prevent that fluctuating and double price in all transactions, which would soon put an end to all commerce. and leave nothing but jobbing in its stead. A fixed standard was absolutely necessary; and he saw no impropriety in taking the Bank-notes as such, as no depreciation in their value had been found in contracts, nor in any of the purposes of our inland trade.

Mr. *Protheroe* began by stating his approbation of that part of the Bill which protected the tenant as of eminent advantage, when the political theory of a noble lord (King) had led to a harsh experiment, which had been applauded by party spirit. In his opinion the tenantry of the country deserved to have their interests protected with as much legislative care as any class or description of men whatever; they ought to be enabled to confide in the wisdom and benevolence of the law, and not to be left under the precarious security of a landlord's indulgence or caprice. He had listened attentively to the speeches of great authorities, undoubtedly, on all subjects of political economy, and although he rose with diffidence after the right hon. gentleman, who might be considered the Nestor of the House, yet when he heard the Chancellor of the Exchequer state, that unless the present financial system were maintained, the war in the peninsula must be relinquished, he could have no scruple to vote in support of a question on which our national honour and prosperity so materially depended.

The *Chancellor of the Exchequer* rose to correct a misapprehension of the last speaker. He had not asserted that had the report of the Bullion Committee been acted on, the war in the peninsula could not have been maintained, but that it would have been impossible to carry on exertions to the same extent.

Sir *Egerton Brydges*, in a maiden speech, said, that notwithstanding the length to which the debate had been carried, yet from the great difference of opinion which had been so strenuously urged, he could not justify to himself the vote which he had already given, and should give on that subject, without expressing, however shortly and imperfectly, the reasons which operated on him. The question seemed to him to be shortly this; whether the system of paper currency adopted of late years by this country was bad; and, even if bad, whether it could be suddenly changed? If it could not be suddenly changed (and that it could not, he conceived, all would admit), then he asserted that this Bill, to remedy or palliate an evil growing out of it, was absolutely necessary as a temporary measure. The evil and confusion of two prices was incalculable, and indeed impracticable by any fixed standard. But for his part, he most strenuously denied that the system of a paper currency, such as ours, was bad. It had been characterised on the other side as delusive, dangerous, and hollow; not as wealth, but as the fallacious appearance of wealth. He would assert, that if it was not wealth, it was at least the mother of wealth. To what other source could be attributed the vast and unexampled start which had been made by our population, our commerce, our manufactures, our shipping, our canals, and our buildings since the year 1786? These, at least, were solid wealth: and from what other than this calumniated, but creative source, could they spring? It was urged over and over again, that the issue of paper money had been excessive; but it was clear that there could be no excess, if the augmentation did not exceed the augmented riches which it represented. He would boldly, without fear of being confuted, maintain that it had kept within those bounds. The system, therefore, could not be guilty of the charge of increased prices which had been so violently objected against it. But if there were some evils incident to the system (and he denied that they could be important enough to alter its character of paramount good,) what could now be done?—Could a substitute be found for this currency? The mines of South America had failed of adequate supplies for a metallic currency. Was the increased wealth and commerce of the world to be stagnant? Were all the evils of an impeded and inadequate circulation to lower prices, and dry up all the sources of reproduction? And why? because gentlemen in their theories chose to attribute to the

paper system evils and consequences which did not belong to it. Has the price of gold greatly increased within the last eighteen months? All admit it. Is it from the increase of paper currency? No: for the paper currency has in that period been diminished two millions and an half! That, therefore, cannot be the cause: while an obvious cause for the increased value of bullion, the balance of trade against us, and the demand of our continental warfare, does exist! The seeming contradiction between the necessity of this measure of the Gold Coin Bill, and the truth of the position standing on the Journals of the House, that a guinea in specie, and a paper guinea, are equal for all domestic and legal purposes, did not strike him as at all irreconcilable. He thought the position true, in the sense in which it was intended and ought to be understood. In truth, a guinea in specie had two characters of value: one derived from the intrinsic value of the materials of which it was composed; the other from its representative capacity. It was of this latter character that the position was laid down: and in this latter character he contended that it was correct. But it was to obstruct the illegal use of it in its former character that the Bill was framed. Having explained himself thus briefly, on a subject which was capable of the most extended and ample discussion, but on which the patience of the House had been already exhausted, he should not presume on this first occasion, which he embraced with great diffidence and humility, to obtrude on its indulgence any farther.

Mr. *Whitbread* said, that among the virtues of the right hon. the Chancellor of the Exchequer, candour was a prominent one, and had never been more conspicuous than in the instance which had just occurred. The vote of an hon. gentleman (Mr. Protheroe) was tendered under a misapprehension, which the right hon. gentleman had corrected, although by his correction he of course lost a vote, and the minority would have the advantage of an unexpected convert. A right hon. gentleman opposite (Mr. Rose,) who had been called the Nestor of the House, had dilated much on the pernicious consequences of the existence of two prices. He could assure the right hon. gentleman that two prices already existed, and that in the city of Bath, at this moment, as he was informed by a letter he had received that day, this distinction openly prevailed, and that in the article of potatoes, a quantity might be purchased for three guineas in gold, that could not be had for less than 4*l.* 7*s.* in paper. The right hon. gentleman had talked, too, of the mischief arising from the fluctuation of prices; but were not prices necessarily subject to fluctuation under all circumstances? An hon. and learned gentleman (Mr. Preston) had referred to the rise of the value of land, as an example of the increasing prosperity of the country. But was it not obvious that a great part of this rise was purely nominal, and proceeded from the depreciation of the circulating medium, and that it was also to be attributed in a great measure to the demand for land, a more desirable property than the securities of government? He was strongly inclined to believe, that that hon. and learned gentleman did not, as lawyers were once wont to do, often hear the chink of guineas in his outer chambers. He much doubted, indeed, whether in that assembly, many guineas were to be found in the pockets of its members. Where, then, were the guineas to be found? did they all go to the bakers and brewers? As to the latter, he could himself give testimony, that one individual had not received one single guinea for several years. With respect to the continued abuse of lord King, and the compassion so pathetically felt and described for the yeomanry of the county, it should be recollected, that the yeomanry, instead of suffering, gained by the change of the value of money, and at the expence of the landlord. In the case, too, of lord King, it happened, that the person against whom he proceeded, was not a simple farmer, but a Bank Director. He had no doubt, that many would have followed lord King's example, had it succeeded, who have since clamorously joined in the outcry raised so unjustly and absurdly against that distinguished person. As to the practice of selling guineas, it notoriously prevailed every where, and the apprehension, therefore, of the right hon. gentleman on the other side, was wholly unnecessary. Thus, then, the guineas did not reach the destination projected for them by the author of this Bill. Did they go to the army abroad?—far from it, for that army was experiencing every kind of inconvenience for the want of them. The right hon. the Chancellor of the Exchequer, in his opinion, had had the guineas offered to him at a very reasonable price. Were he a young member, or unaccus-

tomed to the ordinary course of votes in that House, he should be astonished at the proceeding, which he had no doubt, would that night, be adopted. But notwithstanding all they might vote, or all they might resolve, guineas would be clandestinely bought and sold, gold would find its level, and property its just estimation.

Mr. *Herbert*, of Kerry, declared he knew of no difference between the value of gold or Bank notes, and was always content to receive his rents in the latter.

Sir *Edward May* was of opinion that guineas were a very inadequate test of the wealth of a country, and that the present Bill ought to be supported.

Mr. *W. Smith* reprobated the principle upon which the Bill was originally introduced: he said it was not alone inconsistent with that species of policy which the most celebrated writers had advanced as best calculated to uphold the interests of a state, but in direct opposition to the commercial interests of the country. As to the latter part of the Bill, he considered it a perfect fallacy; for, to his own certain knowledge, guineas were in the month of October last bought and sold without the slightest attempt at concealment, in the city of which he had the honour to be representative (Norwich.) Indeed, so little reserve was observed in the traffic, that it was universally believed that agents were employed by the government for the express purpose of buying guineas. The hon. gentleman concluded by declaring his intention of voting against the Bill.

Mr. *Stephen* rose to deliver for the first time, an opinion on a subject which he confessed had not employed much of his attention. He would not assert that the Bill went to the complete abolition of two prices, but they certainly would not exist in the degree that they would do if a free competition were allowed between gold and Bank-notes.

Mr. Alderman *Smith* said a few words in support of the Bill.

Mr. *Hudson Gurney* rose, and addressed the House for the first time. After remarking on the preposterousness of the position, that twenty-one shillings were in public estimation equivalent to twenty-six, he stated that he should not have obtruded himself on the patience of the House, were he not convinced, that the main cause of this depreciation in our currency was, on all sides, kept out of sight. It was not, as had been asserted, the immense increase of the commerce of England that rendered it impossible to find gold and silver to count up its transactions by, but the enormous amount and portentous increase of the National Debt. The depreciation hinged on that debt; and every increase of debt would work additional depreciation: our reckonings had passed what could be paid in gold, and every fresh loan, acting as a creation of imaginary property, representable by paper, and on which a paper interest must be paid, accompanied by no real increase of asset whatever, must of necessity spend itself upon the values of our currency.

The hon. gentleman said, he was perfectly aware, whilst things could be kept going in their present train, that the paper issues of England could not fall through, as had been the case with those of all other countries—the whole amount of Bank-paper issued being received by government at par for taxes three times in the course of the year—in loans and taxes five times. And from the experience of one district, he could confidently state, that the amount of the whole circulation, public and private, passed at par in direct payments from the subject to the government, much within the period of twelve months—he should think in eight or nine. But still, though this would preserve the system from falling to pieces amongst ourselves, yet our pound of account, being in daily process of meaning less and less—as, of every thing else, so assuredly of gold and silver. In measuring our standard against those of other countries, who have no debt, and a fixed metallic currency—we should be found more and more wanting—more and more unable to circulate guineas at their old rates again.

The hon. gentleman said, he was in favour of the Bill, as a measure of unavoidable necessity—a man could but pay what he received. A depreciation in the value of our paper existed and pressed on us, from causes possibly without remedy: but there was a further depreciation, which might be, and ought to be, prevented, arising from the general feeling of want of confidence in all paper, occasioned by the difficulty of procuring change. Nothing was clearer than that the Bank could not stand a fortnight were they to attempt to pay in guineas. Government could not coin at the present price of silver bullion; but the Bank not being under

restriction as to the weight and fineness of their tokens, might pay the public for the gain of perpetual re-issues, by the charge of perpetual recoinage; and either under the sanction of legislative enactment, or by understood agreement, much alleviate the inconveniences suffered, by giving on demand their own tokens for their own notes.

The Report of the Committee was then agreed to.

The *Chancellor of the Exchequer* moved, that the Bill be read a third time tomorrow.

Mr. *Whitbread* expressed his surprise that the right hon. gentleman should attempt to pass the Bill through the House with so much precipitancy. Saturday was a day on which it was usually understood that no public business would be done, and as many members might feel disposed to deliver their sentiments on the third reading of the Bill, he conceived it would be better to reserve that stage for some future day.

The *Chancellor of the Exchequer* did imagine that every member had had a fair opportunity of delivering his opinion upon the Bill, and this he was the more inclined to think, from the appearance of the House. If however further debate was thought necessary, and the hon. gentleman would say that he believed some of his friends were desirous of giving further opposition to the Bill, he would not press it forward, although it was a measure which, in his estimation, required dispatch.

Mr. *Whitbread* said, it was extremely unusual for the House to sit on Saturday at so early a period of the session. He would not pledge himself for the intention of any hon. member, but as there was no pressure, he could not help thinking it extremely indecorous to endeavour to hurry the Bill through the House upon a day when, it was almost universally understood, no business of importance would be transacted.

The *Chancellor of the Exchequer* repeated, that if the hon. gentleman would say that any of his friends had any thing to offer upon the subject, he would defer the third reading until Monday.

Mr. *Whitbread* would not enter into any pledge whatever, but demanded, as a matter of right, that the Bill should not be thus precipitated through the House; and in support of this right he begged to move, That the Bill be read a third time on Monday.

The *Chancellor of the Exchequer* would save the hon. gentleman the trouble of moving this amendment, by moving it himself.

The third reading of the Bill was then fixed for Monday.

Mr. *Whitbread,* in order to give the right hon. gentleman an opportunity of explaining what the urgent nature of the business was, which rendered it necessary for the House to sit on Saturday at so early a period of the session, moved, That the House, at its rising, do adjourn to Monday.

The *Speaker* observed, that much business had already been appointed for tomorrow.

The *Chancellor of the Exchequer* said, it was very common for the House to sit on Saturdays, for the purpose of expediting business.

Mr. *Whitbread.* Not at this period of the session.

The *Chancellor of the Exchequer.* At all periods.

Mr. *Smith* was about to speak, when the Speaker interrupted him, by observing that there was no question before the House.

The *Chancellor of the Exchequer,* in order to give the hon. gentleman an opportunity of addressing the House, moved, That the other orders of the day be now read.

Mr. *Smith* apprehended the Chancellor of the Exchequer would find it difficult to adduce a precedent, in which the House had sat to do business, on a Saturday, at so early a period of the session.

The *Speaker* said, that, in point of fact, in all stages of the session, Bills for Supply, or for other urgent matters, were expedited on Saturdays.

HOUSE OF COMMONS.

Saturday, December 12.

Ayrshire Election—Petition of General Montgomerie.] A Petition of major-general James Montgomerie was delivered in and read; setting forth,

"That the petitioner and sir Hew Dalrymple Hamilton, bart. were candidates at the election of a knight of the shire to represent the county of Ayr in this present parliament, which took place on Friday, 23d of October last; and that, at the said election, persons were admitted to vote in the choice of preses and clerk who were incapable of voting; and persons were also allowed to give their votes for the said

sir H. D. Hamilton, bart., although they had no legal right to vote, while the votes of certain freeholders, who had a legal right to vote, and claimed to vote in favour of the petitioner, were rejected, whereby an apparent majority of two votes was brought about in favour of the said sir H. D. Hamilton, who was returned duly elected, to the prejudice of the petitioner, who had the majority of legal votes; and praying the House to grant him such relief as to them shall seem proper."

Ordered to be taken into consideration on the 25th of February.

POST OFFICE SECRETARY'S FRANKING BILL.] On the order of the day for the second reading of the Bill for authorizing the Assistant Secretary to the Post-master-general to frank letters and packets,

Mr. *Creevey* objected to any extension of the privilege of franking by public officers, observing, that there was no one privilege more abused. It was only from the newspapers that he had been aware of the House meeting this day, a thing which he observed had been objected to, though unsuccessfully. The reason assigned, however, for this unusual meeting of the House on Saturday was the necessity of forwarding some Bills which required dispatch. He could not conceive the present to be a Bill of that description, and therefore he hoped it would not be pressed, that he might have an opportunity of demanding from the right hon. gentlemen on the other side, on some future day, some explanation as to the grounds on which the measure in question was proposed.

Mr. *Wharton* was convinced if the hon. member had attended to the statement made by him on the introduction of this measure; if he had reflected on the immense multiplicity of business in the Post Office, all falling to the share of one man, and the impossibility of conceiving that any one person, who had such important duties to perform, could be always on the spot, attending from day to day without intermission; if he had considered that without such a Bill as the present, the whole of the important duties of this office must be at a stand, during any occasional indisposition or necessary absence of the Secretary, he was satisfied the hon. gentleman must have been convinced, that the present Bill was not only not unreasonable, but necessary. For his own part, instead of expecting any objection to the Bill now, he was surprised that such a measure had not hitherto been thought of. As to any abuse of this privilege by any public officer, he was not aware that such had existed; but if it did, and the hon. gentleman would point it out, a speedy check should be put to it.

Mr. *Creevey* alluded to the privilege enjoyed by a noble lord, one of the paymasters general of the forces, who never entered the door of the office; and to a similar privilege enjoyed by the three commissioners of woods and forests. This certainly was less objectionable, and if on enquiry he found it was as the hon. gentleman had stated, the Bill should experience no farther objection from him.

The Bill was then read a second time.

HOUSE OF COMMONS.

Monday, December 14.

CONTESTED ELECTIONS.] The Speaker announced, that if any gentlemen had petitions to present complaining of undue elections of members to serve in the present parliament, now was a proper time to give them in to the clerk. A considerable number were immediately presented, the names of which were severally written down on slips of paper and put into a balloting glass, from which they were drawn by the clerk, and the days for taking them into consideration fixed in the order of priority. They were as follows:

Pembroke county, against the return of sir John Owen; the committee to try the merits of which was appointed to be balloted for on the 2d March.—Carmarthen borough, against G. Campbell, esq.; committee March 4.—Cork city, against sir N. Colthurst; committee on 9th March.—Liverpool, against the right hon. George Canning and general Gascoyne; committee March 2.—Hythe against sir John Perring; committee on 9th March.—Grampound borough, against the hon. A. C. Johnstone, &c.; committee 11th March.—Denbigh borough, against lord Kirkwall; committee on 11th March.—Cardigan borough, against the hon. col. Vaughan; committee 16th March.—Pembroke borough, against sir John Owen; committee on 2nd March.—Youghall borough; committee 16th March. Helston borough, against H. Hammersley, &c.; committee on March 18.—A Petition against the return for Tregony borough, and a Petition against the return

for the borough of Grimsby, were severally referred to the same committees which were appointed to be ballotted for to try former petitions affecting the same elections.

Gold Coin Bill.] On the order of the day for the third reading of the Gold Coin Bill,

Mr. *Whitbread* rose to move the following Resolutions which were brought forward by Mr. Brougham in 1811: viz.

1. "That, by the law and constitution of these realms it is the undoubted right of every man to sell or otherwise dispose of his property for whatever he deems to be its value, or whatever consideration he chuses to accept, and that every man possessed of a Bank-note, or other security for the payment of money, has an undoubted right to give it away for nothing, or in exchange for whatever sum of money he pleases, or, if he cannot obtain what he demands, to retain possession of it.

2. "That any statute having for its object to restrain this right would be contrary to the principles of the British constitution, and a flagrant violation of the most sacred rights of property, and the ancient and unalienable liberties of the people.

3. "That any statute having for its object to prevent the Bank or other paper currency of the country from being exchanged against the lawful money of the realm, below a certain rate, would, if it could be carried into effect, cause the lawful money of the realm wholly to disappear, and would, in proportion to its efficacy, preclude the application of the most appropriate remedies for the present derangement in the circulation of the country.

4. "That the free exchange of the lawful money of the realm with the paper currency, on such terms as the holders of each may think proper to settle among themselves, is not only the undoubted right of the subject, but affords the best means of restoring the circulation of the country to its sound and natural state, by establishing two prices for all commodities whensoever the one currency is from any cause depreciated below the other.

5. "That no law whatsoever can alter the real value of the paper currency in relation to the lawful money of the realm, nor alter the real value of either kind of currency in relation to all other commodities; and that any attempt to fix the rates at which paper and coin shall pass current, must, in proportion to its success, interfere with the just and legal execution of all contracts already existing, without the possibility of affecting the terms upon which contracts shall be made in time to come.

6. "That it is the bounden duty of the Commons House of Parliament, as the guardians of the rights of the people, to discountenance and resist a scheme which has for its immediate objects the establishment of a maximum in the money trade of the realm, and the dissolution of the obligations already contracted by numerous classes of the community, but which has for its ground work principles leading to an universal law of maximum, and the infraction of every existing contract for the payment of money, and that the said Bill has the said objects, and proceeds upon the said principles."

The Resolutions being put were all negatived. Upon the third Resolution, the House divided, when the numbers were, For the Resolution 29. For the previous Question 73. Majority against the Resolution 44.

List of the Minority.

Abercromby, J.	Martin, H.
Bennet, H. G.	Marsh, C.
Babington, T.	Morpeth, lord
Burrell, P. R. D.	North, D.
Combe, H. C.	Phillips, G.
Courtenay, W.	Robinson, G. A.
Cavendish, lord G.	Rancliffe, lord
Calvert, C.	Smith, R.
Duncannon, lord	Thornton, H.
Fitzroy, lord J.	Western, C. C.
Flood, sir F.	Whitbread, S.
Gordon, R.	Wharton, J.
Grant, J. P.	Tellers.
Hamilton, lord A.	
Harcourt, J.	Creevey, T.
Lewis, T. F.	Brand, T.
Lloyd, J. M.	

The motion was then put for the third reading of the Bill.

Mr. *Abercromby* observed, that the amount of currency was now entirely under the regulation of a body, who had declared, that they governed their issues by no other rule than the supposed solidity of those upon the security of whose bills they made their advances. Provided the Bill was considered the representation of a real commercial transaction, and payable at a short date, it was admitted that no further test was deemed necessary of the propriety of any issue. How the di-

rectors always ascertained this point he did not know, but he believed there were cases in which they had been mistaken. The practical consequences of such a system was, that enterprising speculators were tempted by these new facilities into undertakings, many of which, in the course of time, naturally failed, and caused very extensive distress. Another effect equally important was, that the main ground on which the system was originally supported had been entirely taken away, and that instead of being enabled through its operation to prosecute the war in the peninsula, it now was the great obstacle to its progress.

Mr. *Rose* repeated several statements, which he had a few days since laid before the House, in order to show that the foreign exchanges were entirely independent of the domestic currency. He endeavoured, likewise, to shew that the whole amount of our present circulation fell short of what it was when gold formed the larger part of the currency. He was aware that the issues of the country banks were considerable; but in many parts, and particularly in Lancashire, no country paper whatever was in circulation.

Mr. *J. P. Grant*, in a maiden speech, began by remarking, that to his understanding, it appeared quite clear, that the depreciation of any currency could arise only from one of two causes—either from a want of confidence in those by whom it was issued, or from an excess in the amount of their issues. This proposition was so indisputable, that upon this part of the subject, he should make but few observations. In speaking of the value of gold, or of any other circulating medium, he thought it would not be to require too much, if gentlemen were to state in what commodity it was they estimated that value. The price of any article could only be ascertained by a comparison with the value of some other. In the year 1718, when the nominal value of the guinea was considerably raised, the immediate effect was, to render gold exclusively the currency of the country. It was stated, he believed, in lord Liverpool's Letter to the King, that during a period of some extent, the value of gold remained stationary, whilst that of silver had undergone several variations. The rate of exchange to which the right hon. gentleman, who preceded him, had referred, could serve to throw no light whatever on the question to which it was applied. No alteration in the balance of exchanges between countries not possessing mines of their own could affect the system of their internal circulation. It was utterly impossible, that in a general interchange of commodities, the demand for the precious metals should ever be excessive. These principles were so incontrovertible and so well established, that he was at a loss to attribute the diversity of opinion which prevailed respecting them to any other cause, than a disagreement in the meaning of the term employed, by which, what was obvious to one understanding was rendered unintelligible to another. If this were not the case, he must be led to conclude, that different understandings were differently constructed. But with respect to the Bill immediately before the House he rose on this occasion to enter his humble protest against it. Bad as the system was to which it belonged, he regarded it as its worst part, because it cut off the last hope that remained of revising it. With regard to what had been said about a pound note and a shilling being equivalent to a guinea, he thought that it proved that the parliamentary meaning of the word equivalent was very different from the common acceptation of it; and that thus the word equivalent, like 'permanent' (as a noble lord had stated a few evenings ago) had two different meanings. Unless this were the case, it was certainly impossible to prove that a pound note and a shilling were equal to a guinea. The remedy proposed by this Bill appeared to embrace, as a principal object, the prevention of two prices. Now, with respect to two prices, properly speaking there was an inaccuracy in the language; two prices in fact could never exist. It was not possible to maintain the existence of two contemporary currencies of unequal values. In the reign of William 3, as every body knew, one part of the currency became degraded below its nominal value, and the consequence was, that it banished from circulation that part which was justly estimated. The hardship complained of by the public creditor was not that the currency was merely depreciated, but that he was obliged to receive it at one value, and pay it away at another. It might be a harsh name to call this Bill, if it passed, an act for the promotion of fraud; but it certainly was not a law for the distribution of justice. Persons constantly engaged in the purchase and sale of stock were not exposed to the loss in-

curred through depreciation; but on the contrary, those whose property had been long vested in the funds, and others engaged in Chancery suits, suffered an injury of prodigious extent. They found at the Bank that 10 per cent. was taken in the first place under the Income Tax, and in the second, that the value of the remainder was diminished above 30 per cent. The system was equally injurious to private annuitants, and unless so great and grieving an evil should be redressed by the application of salutary measures, and looked at steadily with the eye of a true statesman, the inconvenience would soon become not less obvious to the meanest capacity than it already was to those whose inquiries had rendered them more conversant with the subject. The present Bill appeared to him to resemble the folly of children, who imagined that they would remain concealed by placing their hands before their eyes: its object was to draw a veil between the country and its real situation. No doubt the genuine remedy must produce inconvenience, and, perhaps, in some degree distress; but these would be greatly augmented by suffering the distemper to continue until it should assume a yet more formidable aspect. He thanked the House for the indulgence he had experienced; the great importance of the subject and his own conviction of its nature and tendency had prompted him to state on what grounds he must protest against the Bill then under consideration.

Mr. Alderman *C. Smith* admitted that the gold coin of the realm had disappeared; and he saw no reason why gold, as well as other articles, might not be made a source of traffic. In many instances it must necessarily be expected, such as when it was applied in the purchase of corn, or other commodities, on the continent. The high price of bullion was, in his opinion, wholly attributable to the balance of trade being against us; and until this could be remedied it was not to be expected that we should have an influx of that coin, of which the country now appeared to be almost totally drained. Rather than see two prices put upon the circulating medium, however, he would be satisfied to see the country without a single guinea.

Sir *F. Flood* could not, by any means, agree to a Resolution which went to assert that a one pound note and a shilling were equal to a guinea. He had had very frequent and satisfactory assurances of the contrary from experience, the best of all teachers; yet though such was his opinion, he could not give that unqualified opposition to the Bill which might appear to be necessarily deducible from it. There was one provision of the Bill, which in the existing situation of affairs, was absolutely required to protect the poorer and feebler class of society from being visited by the oppression of the wealthy and more powerful—he meant that by which landlords were prevented from exacting from their tenants payment of their rents in gold. But here his approval must terminate. In the remaining provisions he could see nothing but a mass of mischievous absurdity. The very title of the Bill appeared to him a misnomer, it was called the Gold Coin Bill, when it would have been more appropriately entitled the No Coin Bill. He would state to the House a fact, which would serve as well as any that had hitherto been submitted to their attention, to prove the existence of two prices. Having had occasion to purchase a horse in his native country, he had visited a fair for the purpose, where having fixed on one in the possession of a country dealer, and asked his price, he was answered, thirty-eight guineas, upon which, pulling out a parcel of Bank-notes, amounting to that sum, from the one pocket, and a purse containing thirty-four guineas in gold, from the other, he asked the seller which he would have, when the man, without hesitation, made his election in favour of the specie, swearing by his soul, when he could get it, he would have nothing to do with a bit of a note. No doubt could exist but that a similar feeling pervaded all society; that there was no part of the country, where if a person were to send guineas to market, he would fail of getting such articles as he might wish to purchase cheaper than if he were to send paper to the same nominal amount. But besides the evil which must result from the existence of two prices, and which the Bill went to inflict on the community, it must also be considered as tending to effect the exclusion of specie from the country, and as holding forth an invitation to foreign agents to extract that portion which it might still haply be found to contain. Could any rational man for a moment doubt, that such must be its tendency, when the immense disparity of value between the metal and paper currency was considered? He had himself, on his way to

the House, applied to a goldsmith in order to ascertain what that disparity was, and had been assured by him, that a guinea contained bullion which was worth twenty-eight shillings, if bought with the reduced currency. Would it not be absurd, under these circumstances, to suppose that guineas would not be sold, or if it were unsafe to sell them, hoarded till an opportunity could be found of doing so? For his part, if he were to consult his own feelings on the subject (and he was perhaps as disinterested as his neighbours), he could not indulge in such an hypothesis. On these grounds, though as he had before stated, he approved of one provision of the Bill, yet, considered as a whole, he must enter his vehement protest against it.

Mr. *Preston* was of opinion, that the evils which it was asserted would be the result of the Bill, were either fictitious, or easily obviated; and that under all circumstances, the necessity of the measure must be apparent to all who sufficiently reflected on it.

Mr. *Marryatt* having on the first bringing forward of the present measure opposed it, could not now assent to it, as he meant to do, without explaining the grounds of his assent, and thus shielding himself from any imputation of a dereliction of principle. In many respects, the bodies politic and natural admitted of useful comparison, and if he might now be permitted to draw an illustration from it, he would say, that at the time he opposed the measures which he now approved, the state was in the situation of a patient, whom a singular operation would have restored to perfect and immediate health; it was now in the situation of one who had deferred such an operation till it could not be resorted to without incurring the risk of more serious evils, even of death itself. He would not take upon himself to say to what cause the evil was chiefly attributable, whether to the state of the currency; or to that of our foreign commercial relations; but be that as it might, he was rejoiced that the subject had been brought before parliament. If no other good was to result from that circumstance, the public would derive no slight satisfaction from the declaration which had been made some nights since by the governor of the Bank of England, namely, that in the course of the last year, the Bank issues had undergone a diminution of two millions. And here he could not forbear pressing on the attention of the House, the decided and very laudable inclination which had been exhibited by the governor and directors of the Bank, to do every thing in their power to remedy the evil to which the country was exposed. But the reason which now chiefly induced him to rise was, a desire to suggest some change of our commercial intercourse with the countries subject to the enemy, such as might have the effect of obviating the necessity of having recourse in future to measures of a similar nature to that which was now under discussion. It had been, as was well known, for a long time, the object of Buonaparté to effect the reduction of our political power, by excluding our manufactures from the countries which had fallen beneath his rule, and thus cutting off a main source of our national wealth. How sanguine he had been in the prosecution of this plan, not to mention less prominent instances, might be collected from his late attempt against Russia, which was made avowedly with a view to the furtherance of his purpose, and that with an eagerness and precipitation which had put his crown and life in jeopardy. There was undoubtedly much reason to hope that he was on the eve of being overtaken by a just retribution, which, while it avenged the cause of an oppressed world, would obviate the necessity of deliberating with respect to measures of future defence from injury; but we should not be too sanguine in our views of the present state of affairs, however indulgent it might be to our hopes. It was but too probable that our enemy might escape, and even with diminished power retain sufficient to accomplish his great purpose of excluding us from all commercial intercourse with the continent, at either extremity. This being the case, it might not be inexpedient to reflect a little on the progress of the measures intended to injure our commerce, as well as those by which they had been met on our part. The first to which the enemy had recourse were met by the Orders in Council, and the consequence of both was an almost total cessation of commercial intercourse; this state of things continued till the year 1809, when a quantity of goods were shipped in this country, and the efforts of the enemy to prevent the sale frustrated, and this was continued for some time, till by one grand stroke of policy, all hopes of future success were wrested from us, and for some time, our state was much the same as if our Orders in Council had been

rigidly enforced. Buonaparté, then feeling that the people he governed suffered very much from the want of certain articles which it was in our power to withhold from them, agreed to take a certain quantity of goods upon condition that we should take in return commodities to the same amount. In this we acquiesced; but it would be easily perceived by those who would take the trouble of examining the nature of this traffic, that it was not conducted on any principle of reciprocity. While we received any thing wanted in this community, he made a strict selection of such articles of importation as he was in the greatest possible want of, such as dyed woods, indigo, and other materials, without which, certain manufactures must have been abandoned, of medicines, of leather, of bridles and saddles, and other equipments for his cavalry. How far such a trade as this could be beneficial to the country it was for ministers to decide.

Mr. *Whitbread* observed, that the remarks of the hon. gentleman were most foreign to the question before the House. For his part he confessed himself wholly unable to discover their applicability: there might perhaps be a Ulysses or a Nestor present, who could. Possibly the Chancellor of the Exchequer, or the President of the Board of Trade, or the Vice-president of the Board of Trade might be able to show it. He owned that he was not at all surprised to hear the hon. gentleman attribute the embarrassed state of our currency to Buonaparté. It was the hon. gentleman's usual practice to lay all our evils at Buonaparté's door. On him all were thrown. Perhaps, even, the absence of a noble lord (Castlereagh) might be owing to Buonaparté's having turned up somewhat nearer home than was expected.

Mr. *Bathurst* intimated that his noble friend was indisposed.

Mr. *Whitbread* expressed his regret at the circumstance; he had supposed it possible that Buonaparté's having been found at Berlin, might have occasioned the noble lord's absence; knowing, however, the elasticity of the noble lord's mind and body, he had no doubt that he would soon recover his wonted health. With respect to the Bill before the House, the object of it was to prevent that which already existed—two prices. Every body knew that all the necessaries of life could be bought at a cheaper rate with gold than with paper. The conduct of the hon. gentleman who spoke last had been most extraordinary. Having, in the first instance, opposed the original resolution of the House on the ground that it would be as easy to controul the motion of the heavenly bodies by act of parliament, as to regulate the circulation of the country under the circumstances in which it was placed; having again resisted the Bill when introduced last year, he, now that ministers tried their hand at it again, declared, that he was their man, and gave his support to this notable proposition. The House were placed in this situation: they first voted a resolution which they could not maintain; and they then attempted to bolster it up by a law which was effective only in preventing the natives of this country from purchasing gold, and in opening the market to foreigners. Nothing could be more absurd than the Bill which it was then proposed to read a third time, and he should give his hearty vote against it.

A division ensued,

For the third reading.............. 80
Against it............................ 15
Majority...................... —65

List of the Minority.

Abercromby, J.	Marsh, C.
Babington, T.	Martin, H.
Brand, T.	North, D.
Creevey, T.	Robinson, G. A.
Calvert, C.	Westerne, C. C.
Flood, sir F.	Whitbread, S.
Gordon, R.	TELLERS.
Grant, J. P.	Hamilton, lord A.
Lloyd, J. M.	Bennet, H. G.

HOUSE OF COMMONS.

Tuesday, December 15.

Petition from the Bristol Clergy against the Catholic Claims.] Mr. Protheroe presented a Petition from the Clergy of the city and deanery of Bristol, setting forth,

"That the petitioners are warm and sincere friends to religious toleration, and to the free exercise of religious worship by all who differ from the Church by law established, yet that they cannot but view, with deep concern and anxiety, the alarming extent of the claims so strongly and repeatedly urged by their Roman Catholic fellow-subjects, not in behalf of liberty of conscience (for that they already enjoy in its utmost extent) but for the purpose of attaining political power; and that these claims, as the petitioners understand, directly extend to the removal of

all restrictions and disabilities whatever, on account of religious opinion, and to the unlimited right of admission not only to offices of the highest responsibility, but even into the legislature itself, under a monarchy and a constitution of which Protestantism has hitherto been, and, it is earnestly hoped, will never cease to be an essential and distinguishing character; and that, as the petitioners humbly apprehend, it is altogether impossible to admit such claims without destroying some of the strongest defences by which our civil and religious establishments have long been happily secured; and though many of the most enlightened advocates for these claims have always professed, and sincerely professed, a desire that other securities should be substituted in their place, yet, as far as the petitioners know or believe, not even the general nature of these new securities (much less their specific character and tendency) has ever yet been publicly explained, though such explanation, if truly convincing and satisfactory, would most powerfully have contributed to reconcile varieties of opinion, and to remove the apprehensions of danger which now justly prevail with respect to this momentous question; so that, even on this ground, without adverting to the great, and, as they think, insuperable difficulties inherent in the thing itself, the petitioners deem it not unreasonable to declare their full conviction that, if the above mentioned claims should be conceded, it would be utterly impracticable to provide new defences on which equal dependence could be placed for the lasting safety of the Protestant Government and Protestant Church, as they are now established in this United Kingdom; and that the petitioners rely, with perfect confidence, on the wisdom of parliament, but they feel it to be their duty, with the utmost deference, to submit to the House their deliberate opinion on a question, which they cannot possibly view as limited by mere political considerations, because they are well assured, that whatever may affect the safety of the Established Church, must materially affect also the interests of that pure and reformed religion, of which the Church is a faithful guardian and depositary; and praying, that the House will be pleased effectually to guard against the adoption of any measure tending to weaken or undermine the firm and tried bulwarks of that constitution in Church and State, under which, by the blessing of Divine Providence, this country has, since the æra of the Revolution, enjoyed a degree of freedom, peace, and happiness unknown to other nations, and unexampled in former ages."

Ordered to lie upon the table.

HOUSE OF COMMONS.

Wednesday, December 16.

Petition of Captain Inglis.] Sir *F. Burdett* said, he held in his hands a Petition from captain Inglis, who was to have gone out to survey Port Jackson. While his vessel was in the river, some of his crew, all of whom had protections, were attacked by a press-gang. They resisted this press-gang, and beat them off, but he himself took no part in the resistance. A complaint was lodged at the Thames Police Office, to which he was brought. His treatment there was shocking and shameful. He was confined from four in the afternoon till eight in the evening, in a place which it was scarcely decent to mention; and when he came from this place—a common privy—he was so overcome with the stench, that he was ready to faint. He was conveyed to Clerkenwell Prison, and obliged to share a bed with one of the felons, in irons. His affairs were much injured, if not ruined, by being detained till his trial should come on in March next. This gentleman was well known, during a long life, as possessed of a most respectable character. He was well related, and had served first as a midshipman in the king's service, and afterwards in a high situation in a vessel belonging to the East India Company; and while he was in the Company's service, he had received a considerable reward from lord Minto, for having saved the lives of several persons wrecked on an unknown rock in the Bay of Bengal. He had references for character to admiral Hunter, lord Erskine, the hon. Henry Erskine, and several other respectable individuals. He hoped that the Admiralty would of themselves take this case into consideration, and prevent its coming before the House.

On the suggestion of the Speaker, the Petition was withdrawn, for the purpose of endeavouring to state the circumstances of the case with greater brevity.

London Booksellers' Petition, respecting Copy-rights, &c.] Mr. Davies Giddy presented a Petition from the booksellers and publishers of London and Westminster, setting forth,

"That, by an act of 8 Anne, for the encouragement of learning, by vesting the copies of printed books in the authors or purchaser of such copies during the time therein mentioned, it was enacted, amongst other things, that if any person should reprint any book without the consent of the proprietor, as therein mentioned, the offender should forfeit such book, and also one penny for every sheet found in his custody; but it was provided, that no one should be subject to such penalty unless the title to the copy of such book should be entered in the register book of the Company of Stationers; and it was further provided and enacted, that nine copies of each book, upon the best paper, that should be printed and published as aforesaid, or reprinted and published with additions, should, by the printer thereof, be delivered to the warehouse-keeper of the said Company of Stationers before such publication made, for the use of the royal library, the libraries of the Universities of Oxford and Cambridge, the libraries of the four Universities in Scotland, the library of Sion College, in London, and the library belonging to the faculty of advocates in Edinburgh; and that, by an act of 41 Geo. 3, for the further encouragement of learning in the united kingdom of Great Britain and Ireland, by securing the copies and copyright of printed books to the authors of such books, or their assigns, for the time therein mentioned, it was, amongst other things, enacted, that, in addition to the nine copies then required by law to be delivered to the warehouse-keeper of the said Company of Stationers, and each and every book which should be entered in the regular book of the said company, one other copy should be in like manner delivered for the use of the library of the college of the Holy Trinity in Dublin, and one other copy for the library of the society of the King's Inn, Dublin, of every book that should be thereafter printed and published, and entered in the said register book of the said company; and that it was the general persuasion of authors and booksellers, that, by the said act of queen Anne, copies of those books only were required to be delivered which the proprietors chose to enter at Stationers' Hall to entitle themselves to the protection of the said forfeiture of one penny a sheet of the pirated copies, and therefore, when by the increased expences of publication, the said forfeiture of one penny a sheet became an inadequate protection, the practice of entering the books gradually lessened; and that the University of Cambridge, having lately contended that copies of all books, whether registered or not at Stationers' Hall, should be delivered, commenced an action against a printer of a recent publication for not delivering the several copies thereof, upon which case it has been determined that the said act of queen Anne enjoins the delivery of copies of all works printed and published, whether registered at Stationers' Hall or not; and that this determination will subject the petitioners to great expence, and operate very seriously to discourage literature; and that the best paper copies, at the period of the passing of the said act, were not similar to the expensive fine paper copies now printed, nor were any works of that costly description, which now issue from the British press, at that time known, many of those works are now printed by authors at their own expence, and many others upon their sharing the profits after the deduction of all expences; and the petitioners humbly submit that to enforce a delivery of eleven copies of all books will, in the cases in which, from the nature of the works, and limited sale, a small number only is printed, operate as a great discouragement to the undertaking of such works; and that, by the said act of queen Anne, the term of twenty-eight years' copyright is secured to the author, and his assigns, in case he should be alive at the end of the first fourteen years, but, in case he should then be dead, the copyright ceases at the end of the first fourteen years; and the petitioners humbly submit that this distinction is, in many cases, productive of great hardships to the families of authors, and is not founded upon just principles; and that the petitioners could state innumerable instances of works lately published and now publishing, to prove the heavy burthen which will be thrown upon authors and publishers, by enforcing the delivery of the copies required on best paper; upon ten works published by one bookseller, the amount would be 5,698*l.*; upon twelve works published by another bookseller, the amount would be 2,990*l*; and the petitioners need only add to this statement some single works on best paper, viz. Daniel's Oriental Scenery 2,310*l.*; Sibthorpe's Flora Greca 2,500*l.*; British Gallery of Engraving 1,065*l.*; Mr. Johnes's Froissart and Monstrelet Chronicles 1,100*l.*; Dibdin's Typography

426*l.*; Lord Valentia's Travels 577*l.*; Costumes of the World 532*l*; Hodges's Views in India 402*l.*; Salt's Views 300*l.* 6*s.*; the new editions of Dugdale's Monasticon will be 1,430 guineas; the new editions of Wood's Athenæ Oxonienses 770 guineas, Daniel's Voyage to India 132*l.*, taken from an infinite number of works of great expence lately published and now publishing, of the best copies of which, such as required by the statute and the determination, frequently only fifty copies, and in some instances even a less number, are printed, prove to the House that the petitioners are not complaining upon frivolous grounds; and praying, that leave may be given to bring in a Bill for granting relief to the petitioners."

Ordered to lie upon the table.

TELLERS OF THE EXCHEQUER—LETTERS FROM THE MARQUISSES OF BUCKINGHAM AND CAMDEN.] Mr. Wharton presented the following Letters of the marquisses Buckingham and Camden, addressed to the Chancellor of the Exchequer; relative to giving up a proportion of their net Incomes as Tellers of the Exchequer: as well as all Proceedings of the Treasury thereupon.

No. 1.—The Marquisses BUCKINGHAM and CAMDEN, to the Chancellor of the Exchequer.

Exchequer, Nov. 21, 1812.

Sir; under the impression which we entertain of the encreased sacrifices, to which the country will in all probability be called by the pressure upon its resources, in a moment of unexampled expence and difficulty; we are anxious to express, through you, our desire and intention of contributing our voluntary aid to the expences of the war: we therefore request you, as the regular official channel of communication from the Exchequer to the Lords Commissioners of the Treasury, to signify to them, our intention of paying in aid of the general services of the year, and in quarterly payments, one-third of the net profits arising from the salary and fees of our respective tellerships of the Exchequer. We propose, and intend, to continue this voluntary contribution for and during the present war; and to commence it from and after the present quarter ending on the 5th of January next. We have the honour to be, &c.

(Signed) NUGENT BUCKINGHAM,
CAMDEN.

No. 2—TREASURY MINUTE, 24th November 1812.

The Chancellor of the Exchequer lays before the Board, a letter addressed to him by the marquisses of Buckingham and Camden, dated 21st inst. in which they state, "that under the impressions which they entertain of the encreased sacrifices to which the country will in all probability be called by the pressure upon its resources in a moment of unexampled expence and difficulty, they are anxious to express, through him, their desire and intention of contributing their voluntary aid to the expences of the war; they therefore request him, as the regular official channel of communication from the Exchequer to this Board, to signify to us their intention of paying, in aid of the general services of the year, and in quarterly payments, one-third of the net profits arising from the salary and fees of their respective tellerships of the Exchequer; and that they propose and intend to continue this voluntary contribution for and during the present war; and to commence it from and after the present quarter ending the 5th January next."

My lords read the 218th section of the Act of the 43d of the King, cap. 122, directing the mode and receipt and application of the voluntary contributions for the purpose of carrying on the war.

My lords are pleased to direct, that letters be written to the marquis of Buckingham and marquis Camden respectively, expressing to them the high sense which their lordships entertain of their public spirited and patriotic intention of contributing one-third of the net profits of the salary and fees of their respective tellerships of the Exchequer, in aid of the general services of the year: and transmitting to them respectively copies of the 218th section of the said Act; and requesting their lordships will be pleased to give directions that the said voluntary contributions may be paid into the Bank, from time to time, conformably to the provisions of the said Act.

No. 3.—GEO. HARRISON, Esq. to the Marquisses BUCKINGHAM and CAMDEN.

Treasury Chambers, Nov. 30, 1812.

My lords; the Chancellor of the Exchequer having laid before the Lords Commissioners of his Majesty's Treasury, your lordship's letter of 21st inst. stating, "that

under the impressions which your lordships entertain of the encreased sacrifices to which the country will, in all probability, be called by the pressure upon its resources, in a moment of unexampled expence and difficulty, your lordships are anxious to express, through him, your desires and intention of contributing your voluntary aid to the expences of the war, and therefore requesting him, as the regular official channel of communication from the Exchequer to this Board, to signify to this Board your lordships intention of paying, in aid of the general services of the year, and in quarterly payments, one third of the net profits arising from the salary and fees of your respective tellerships of the Exchequer, and that your lordships propose and intend to continue this voluntary contribution for and during the present war, and to commence it from and after the present quarter ending 5th of January next;" I have it in command, from my lords, to express to your lordships, the high sense which they entertain of your public spirited and patriotic intention, of contributing one third of the net profits of the salary and fees of your respective tellerships of the Exchequer, in aid of the general services of the year; and I am commanded by my lords, to transmit herewith, a copy of the 218th section of the Act of the 43d of the King, cap. 122, directing the mode of receipt and application of voluntary contributions for the purpose of carrying on the war; and to request your lordships will be pleased to give directions, that your said voluntary contributions may be paid into the Bank of England from time to time, conformably to the provisions of the said Act. I am, my lords, &c.

GEO. HARRISON.

(Enclosure.)

"And whereas his Majesty's subjects, residing out of Great Britain, and others, may be desirous of voluntarily contributing towards the purposes of this Act; be it further enacted, that it shall be lawful for any person or persons, body corporate or politic, and at any time or times during the continuance of this Act, to pay or cause to be paid to the said governor or company, or to their cashier or cashiers, or other person or persons to be authorised by them, any sum or sums of money, as and for a voluntary contribution, for the purpose of carrying on the war; and in such case, to require a certificate or certificates for the same, acknowledging the payment of such voluntary contribution; which sums to be paid as aforesaid, for which such certificates shall be required, shall be deemed and taken to be voluntary contributions of such persons, body politic or corporate respectively, towards effecting the purposes of this Act, and shall be applied as the other monies paid into the Bank of England by virtue of this Act may be applied."

No. 4.—The Marquisses BUCKINGHAM and CAMDEN to GEORGE HARRISON, Esq.

Exchequer, Dec. 3d, 1812.

Sir; in consequence of the desire of the Lords Commissioners of the Treasury, signified to us in your letter of November 30th, we have this day given the necessary directions that the voluntary contribution of one-third of the net profits of our respective tellerships of the Exchequer, shall be paid by quarterly payments, from time to time as they shall accrue, from and after the present quarter ending on the 5th of January 1813, to the governor and company of the Bank of England or their cashier, in the manner directed by the 43d of the King, cap. 122.: which we request you to communicate to their lordships. We have the honour to be, &c.

NUGENT BUCKINGHAM.
CAMDEN.

No. 5.—The Marquisses BUCKINGHAM and CAMDEN to the CHANCELLOR of the EXCHEQUER.

Exchequer, December 11, 1812.

Sir; as it is understood, from the discussions that have taken place in the House of Commons, on the subject of the public revenues, that the expences of the ensuing year will probably exceed those of the present, we think it right, in explanation of the letter which we had the honour of addressing to you on the 21st November last, to state to you, for the information of the Lords Commissioners of the Treasury, that if in any year during the present war, the net profits of the several fees and salaries received in our offices in the Exchequer should exceed those of the current year, it is our intention, in every such year, to pay as our voluntary contribution to the public, in addition to the one-third of our profits as stated in that letter, the whole of such excess beyond the net receipts of the present year. We have the honour to be, &c.

NUGENT BUCKINGHAM.
CAMDEN.

No. 6.—TREASURY MINUTE of 11th December, 1812.

The Chancellor of the Exchequer lays before the Board, a letter, of this day's date, which he has received from the marquisses of Buckingham and Camden, as follows:

"Sir; as it is understood, from the discussions that have taken place in the House of Commons, on the subject of the public revenue, that the expences of the ensuing year will probably exceed those of the present, we think it right, in explanation of the letter which we had the honour of addressing to you on the 20th of November last, to state, for the information of the Lords Commissioners of his Majesty's Treasury, that if in any year during the present war, the net profits of the several fees and salaries received in our offices in the Exchequer, should exceed those of the current year, it is our intention, in every such year, to pay, as our voluntary contribution to the public, in addition to the one-third of our profits, as stated in that letter, the whole of such excess beyond the net receipts of the present year."

My lords read their Minute of the 24th November last, and the letter written to the marquisses of Buckingham and Camden in pursuance thereof.

My lords are pleased to direct, that letters be written to the marquisses Buckingham and Camden, respectively, acknowledging the receipt of this communication, and of their intention still further to extend their public spirited and patriotic contribution to the expences of the war, and requesting that they will be pleased to pursue the same course with regard to this excess, as with respect to the original contribution.

No. 7.—GEORGE HARRISON, esq. to the Marquisses BUCKINGHAM and CAMDEN.

Treasury Chambers, Dec. 15, 1812.

My lords; the Chancellor of the Exchequer having laid before the Lords Commissioners of his Majesty's Treasury, your lordships' letter of the 11th instant, stating, "that as it is understood, from the discussions which have taken place in the House of Commons, on the subject of the public revenue, that the expences of the ensuing year will probably exceed those of the present year, your lordships think it right, in explanation to your letter to the Chancellor of the Exchequer, to inform my lords, that if in any year during the present war the net profits of the several fees and salaries received in your lordships' offices in the Exchequer, should exceed those of the current year, it is your lordships' intention in every such year to pay, as your voluntary contributions to the public, in addition to the one-third of your profits, as stated in the said letter of the 21st ult, the whole of such excess beyond the net receipts of the present year;" I have it in command from my lords, to acknowledge the receipt of your lordships said letter, communicating your intention still further to extend your public spirited and patriotic contribution to the expences of the war, and to request that your lordships will be pleased to pursue the same course with regard to this excess as with respect to the original contribution. I am, my lords, &c.

GEO. HARRISON.

HOUSE OF LORDS.

Thursday, December 17.

The Bishop of Chester presented a Petition from the clergy and certain inhabitants of Manchester and Salford, against the Catholic Claims. His lordship stated, that the Petition was signed, in addition to the clergy, by 1,000 respectable inhabitants and several dissenting ministers.—The Duke of Montrose presented a Petition from the corporation and inhabitants of Grantham, also against the Catholic Claims.—Ordered to lie on the table.

INVASION OF RUSSIA.] The Earl of Liverpool presented a Message from the Prince Regent, expressing his royal highness's desire to render aid to the people of Russia, suffering in consequence of the invasion of France, and recommending to the House to concur in that object. [See proceedings of the Commons].

His Royal Highness's Message was ordered to be taken into consideration tomorrow.

INFORMATIONS EX-OFFICIO.] Lord *Holland* gave notice of his intention, at an early period after the holidays, to present a Bill relative to Ex-Officio Informations. The noble lord stated, that he should not have again pressed this subject had his former Bill been under the consideration of a large portion of the House; but the fact was, it was brought forward at a late

period of the session, when the attendance was thin, and therefore he proposed to renew the measure at an early opportunity after the recess.

HOUSE OF COMMONS.

Thursday, December 17.

PRINCE REGENT'S MESSAGE RESPECTING THE INVASION OF RUSSIA.] The Chancellor of the Exchequer presented the following Message from his royal highness the Prince Regent:

"George *P. R.*

"The Prince Regent, acting in the name and on the behalf of his Majesty, having taken into his serious consideration the accounts which he has received of the severe distresses to which the inhabitants of a part of the empire of Russia have been exposed, in their persons and property, in consequence of the unprovoked and atrocious invasion of that country by the ruler of France, and of the exemplary and extraordinary magnanimity and fortitude with which they have submitted to the greatest privations and sufferings in the defence of their country, and the ardent loyalty and unconquerable spirit they have displayed in its cause, whereby results have been produced of the utmost importance to the interests of this kingdom and to the general cause of Europe, recommends to the House of Commons to enable his Royal Highness, in aid of the contributions which have been commenced within the Russian empire, for this purpose, to afford to the suffering subjects of his Majesty's good and great ally the emperor of Russia, such speedy and effectual relief as may be suitable to this most interesting occasion. G. *P. R.*"

The *Chancellor of the Exchequer*, when the Message was read, proposed that it should be referred to the Committee of Supply.

Mr. *Whitbread* said, that we ought to begin by relieving our own starving manufacturers, as he saw no reason why, in this instance, charity should not begin at home.

Sir *F. Burdett* said, that this Message was not only extraordinary, but insulting to the people of this country.

Mr. *Stephen* differed much from the hon. baronet, and thought the grant recommended in the Message advisable in the highest degree.

Mr. *Ponsonby* said, that the Message, whatever might be its propriety, appeared to him, or rather came upon him, as a matter of complete novelty. Though some of his friends might have done so, he confessed that he had not, as yet, formed his opinion on the subject, but said, that he should do so before to-morrow.

Earl *Temple* said, though he had not as yet decided, that, at present, the strong inclination of his mind was to support the grant.

Mr. *Lockart* spoke in support of the grant, and was hostile to the remarks of the hon. baronet.

The Message was then ordered to be referred to the Committee of Supply tomorrow.

HOUSE OF LORDS.

Friday, December 18.

EXCHANGE OF PRISONERS. — SLAVE TRADE.] Lord Holland expressed a wish to put questions to the noble earl opposite upon two subjects to which he had adverted in a former session. With respect to the African Slave Trade, six years had now elapsed since the two Houses of Parliament had united in a wish that applications should be made to foreign powers to procure the abolition of that inhuman traffic. He lamented, however, to observe, that the trade still continued to be carried on under the flags of our allies, Spain and Portugal, but he feared with a large proportion of British capital. He was anxious to know what steps had been taken, making use of the influence which we must naturally have in the councils of those allies, to procure the abolition of this disgraceful traffic, and whether, after the lapse of so long a period. any negociation upon this point had at last been nearly brought to a termination? He did not mean to impute neglect to his Majesty's ministers, but it could not escape notice, that the majority of the Prince Regent's council was now composed of those who were hostile to the abolition of this trade.—With respect to an Exchange of Prisoners, he was also anxious to know whether any steps had been taken subsequent to the last negociation, with a view to the attainment of this object; and whether if it was found not attainable consistently with the honour and interests of the country, it was not intended by ministers to institute an investigation into the causes which had prevented the attainment of this object, so essential to the interests of humanity?

The Earl of *Liverpool* stated, with regard to an exchange of prisoners, that

every effort had been made by the Prince Regent's government, consistently with the honour and interests of the country, to effect an object, which, in every point of view, was so highly desirable, but unfortunately in vain. That no proposition had lately been made by the enemy was to be accounted for by the events which had occurred during the last six months. As to the Slave Trade, however hostile he had been to the abolition of it, nevertheless when that abolition had become the law of the land, he became as anxious as any one, that foreign powers should also abolish the traffic. He assured their lordships that this object had not been lost sight of by any of the governments in power since the act of the legislature. There had been, however, great difficulties to encounter in the progress of the negociation, but with one of the powers alluded to, the negociation was in a train to lead him to hope that it would speedily be brought to a successful termination. With the other power greater difficulties had occurred, from the unsettled state of its government; but the object had not been lost sight of, nor would any effort be wanting on the part of ministers, to bring the negociation to a successful termination.

Prince Regent's Message rerpecting the Invasion of Russia.] On the order of the day for taking into consideration the Prince Regent's Message respecting the Invasion of Russia,

The Earl of *Liverpool* said, that in rising to move an Address in answer to his Royal Highness's most gracious Message, he should perhaps have thought it only necessary to move the Address, leaving to that feeling which he was satisfied actuated the great majority of that House and the country, to express a concurrence in an object, which embodied so many sentiments congenial with, and characteristic of genuine British feeling. Understanding, however, that elsewhere some sentiment had been expressed hostile to the purpose of the Message, he felt it necessary to draw the attention of the House to the circumstances which gave rise to it. A greater exertion had been made by the ruler of France against Russia, than he had put forth against any other power. He had entered Russia with a force of not less than 360,000 men, including 60,000 cavalry, and this at a time when, from various circumstances, not now to be entered into, one of which, however, was the delay which arose in making peace with the Turks, which detained a large portion of the Russian force in a remote part of the empire, the Russian army was numerically inferior to the invading army of France. Under these circumstances, the advice was followed which had been given from various quarters, but particularly by the gallant commander of our armies in the peninsula, to act upon a defensive system. In conformity with this system, the Russian troops retreated, but in a manner that gave birth to the most sanguine hope of the events which ultimately followed. During the course of the retreat not a corps was cut off, nor a detachment made prisoners, except in partial conflicts. At length the opportunity arrived for offensive operations, and the events that followed were already before the public. To give effect to this offensive system, the greatest sacrifices had been made. There was no example in modern warfare of so great and magnanimous a sacrifice as that of the burning of Moscow. Look at a population of 200,000 persons, voluntarily quitting their homes, and sacrificing their houses and their property, in order that Moscow might not afford quarters and become a place of arms for the enemy. It was not merely, however, at Moscow, that these sacrifices were made, but hundreds of villages were destroyed, upon the approach of the enemy, by the inhabitants, who, after making this sacrifice, in numerous instances, retired into the adjoining woods, and returned with whatever arms they could procure to encounter the invaders of their country. In every other instance of an invasion by the French arms, except in the peninsula, the people had stood for nothing; in Russia they had stood for every thing—actuated by an universal spirit of patriotism, they had voluntarily made the greatest sacrifices, they had offered up every selfish consideration, every sentiment of mere personal enjoyment, every private object, at the shrine of their country. In these sacrifices, and in such a contest, it was evident, that much individual misery must have been endured. To contribute in some degree to the alleviation of that misery the generosity of Britons was called upon—a generosity which was characteristic of British feeling in all its warmest impulses, where no other consideration intervened. But here, to the feelings of generosity, every consideration of interest was added. Why did

France invade Russia? not for the sake of invading Russia, but because Russia would not adhere to the continental system; because the government of Russia would not consent to exclude from her ports the produce of our industry. Great Britain was, therefore, attacked through the medium of Russia, and to look at the question merely in a mercantile point of view, the greatest benefit had already accrued to our commercial interests from the Russian successes. Was it nothing to have the market of 36,000,000 of people? Already had our commercial interests been materially benefited. The great interests connected with our colonies, had experienced the advantage flowing from the rise in the price of all colonial produce; our manufacturing interests had been benefited by the increased demand for the produce of their industry. Every channel of commerce had received fresh life and vigour, through the successes of the Russians. Looking at the question, therefore, in the narrowest point of view, the proposed aid was eminently called for—but in how much greater a degree, from other causes, and other feelings? Had it been merely a check to that torrent of ambition which had deluged so many other countries, still he would have contended for the grant; but here, where British interests were concerned in the contest—where British interests were so materially benefited by the result—how much more was such an aid called for? Let it not be supposed that he was insensible to the privations and the sufferings of the people of this country; but let it be recollected that here we were exempt from the actual calamities of war. The sending out fleets and armies on foreign expeditions, or the taxation consequent upon war, were as nothing, compared with those calamities which arose from a country being made the actual theatre of war. From these horrors we were exempted, but let us look with an eye of generosity to those who were suffering all the horrors of such a calamity. Was it not of importance to shew a disposition to aid the suffering people of Russia, and thereby cement the union of the two powers? The French in their invasion of Russia, by the cruelties they had committed, and by the sacrilegious destruction of their sacred edifices, had inspired the Russians with a detestation which would not only be felt by those now in existence, but by generations still unborn. Was it not of importance then, by the aid afforded by this country, to fix the sentiments of the Russian nation in unison with our own, and thus cement the union of the two governments? The noble earl concluded by moving an Address of concurrence, and mentioning that the sum proposed to be granted was 200,000*l*. The higher ranks in Russia had begun a contribution which this sum was intended to aid.

Lord *Holland* never felt himself more embarrassed than upon the present occacasion, and had it not been an established rule with him, never to shrink from his parliamentary duty, he would have preferred being absent. His embarrassment arose from this, that he thought the proposition impolitic, but at the same time that it would be unwise and unsafe to reject it. He perfectly agreed with the noble earl in his praise of the patriotism of the Russian nation, and this praise was more particularly applicable to the peasantry, who in sacrificing the produce of their earnings, had not the consolation of those feelings which were inseparable from the soldier, but were actuated solely by motives of pure patriotism. He could not, however, agree in the propriety of the mode proposed, nor did he see that the aid could consistently be afforded. If such a sum was disposable for this purpose, why had it not been applied to replenish lord Wellington's military chest; and might not the emperor of Russia say, if this money had been applied in time to replenish lord Wellington's military chest, it would have been of greater advantage to my cause than sending it now to me? The only argument that could induce him to accede to the proposition, was that used by the noble lord, of shewing a disposition to aid the Russian nation. He agreed that this was of importance, and he trusted, at the same time, that in the alliance of the courts of Petersburgh and London, there was a perfect understanding as to their objects, not only as to carrying on the war, but as to the means of bringing about a secure peace. Whether the emperor of France should escape or not, he trusted that the events that had happened would clear the way for that situation of affairs, which might render a peace upon secure grounds, less difficult of attainment; and that upon this point there was a thorough understanding between the courts of Petersburgh and London. For such an object, so highly to be desired, he anxiously looked to the effects

of this alliance, nor would he for a moment suppose, that any intention existed of endeavouring to force any other government upon France; which could only have the effect of rousing against us the yet remaining considerable resources of that power. With respect to the proposition now made, it must rest upon the responsibility of ministers. He did not think enough had been laid before the House to shew the propriety of the grant, but he was willing to believe that ministers had in their possession information to warrant the proposition. If any hint had been given to ministers that such a grant would be acceptable to the Russian government, or the Russian nation, then he should not hesitate a moment in agreeing to it. Under this impression, he would not withhold his vote from the proposition.

The Address was agreed to *nem. dis.*

Gold Coin Bill.] On the order of the day being read, for going into a Committee on this Bill,

The Marquis of *Lansdowne* expressed a wish, that the Bill had been divided into two. To one part of it he was disposed to agree, namely, that which respected distress for rent; it was true, it was a part of a faulty system, but it was certainly necessary to protect tenants from oppression in being called upon to do that which would be, under present circumstances, a violation of the original contract with the landlord; for though a noble friend of his in calling for rents in specie, had laid down rules which were perfectly equitable, yet other landlords might not be actuated by the same equity. So far, therefore, he agreed in the measure; but to the other part of the Bill, which went in fact to declare, that no person should part with gold, except for less than its value, nor take paper except for more than its value, he considered it as a system pregnant with incalculable mischief. He would not now enter into the question of depreciation; but confine himself to the more immediate object of the Bill, and he contended that it was perfectly absurd to attempt by a legislative provision to give a currency to paper, which was not worth the value set upon it. Similar expedients had been the resort of all weak and tyrannical governments, and had successively failed. The natural consequence was, the driving all the gold out of the market, and thus precluding the means of returning to payments in specie. What good had been effected by resorting to this measure? Had it tended to support the war in the peninsula? It was a well known fact, on the contrary, that ministers had been unable to send a requisite supply in specie to lord Wellington, and that his lordship had only been enabled to procure a supply from the circumstance of there being two prices in Portugal, a gold price and a paper price. Had a similar legislative enactment to this prevailed in Portugal the supply could not have been obtained. Thus it would be seen that it was only upon the principle of two prices that our army was supplied in the peninsula, a principle which, in fact, prevailed in this country, but in ineffectually endeavouring to counteract which by this measure, ministers had precluded the means of adequately supplying our army there from hence. The same principle also of two prices prevailed in Canada, where 100,000*l.* in Bank notes had been sent, and had been discounted, being taken at the rate of 14*s.* in the pound. Impressed with the idea of the futility of enacting what was in itself absurd, and in its consequences mischievous, as it could not prevent the two prices which it was its object to counteract, and as it operated by driving the gold out of the market to prevent a return to a sound and healthy circulation, he intended to have taken the sense of the House upon a motion for dividing the Bill into two; but as the House was thinly attended, he should not put it to the vote.

The Earl of *Clancarty* contended, that the most mischievous consequences would result from having two prices, and that the supply to our army in the peninsula was best secured by the present measure.

The Bill then passed through the Committee.

HOUSE OF COMMONS.

Friday, December 18.

Prince Regent's Message for Relief to the Inhabitants of Russia.] The House resolved itself into a Committee of Supply, to which the Message of the Prince Regent respecting the invasion of Russia was referred. The Message being read,

The *Chancellor of the Exchequer* then said, that had it not been for some intimations of intended opposition which the reading of the Message had produced last night, he should have left the question he was about to propose to be decided by the

unbiassed judgment and feelings of the House, with scarcely any attempt at observation. He still hoped that four-and-twenty-hours reflection might have convinced the gentlemen from whom those intimations proceeded, of the propriety of the measure recommended by his Royal Highness; and in that hope he should trespass but a short time on the attention of the committee, and avoid as much as possible every topic upon which a difference of opinion could be entertained, because he felt that nothing could add so much to the grace and dignity of the proceeding, or stamp so much value on the gift which it was proposed to bestow, as its being sanctioned by the unanimous voice of the Commons of the United Kingdom.

He first felt himself bound to give some account of the particular time at which the measure was proposed, because some gentlemen had spoken of it as a surprize upon the House, and appeared to think that it was on that account objectionable. It was, indeed, in one sense, a surprize, not only upon the House, but upon his Majesty's ministers; for it arose out of events which could not have been anticipated, and the intelligence of which had but just reached this country; events of the most important and gratifying, yet, in some respects, of the most melancholy nature. While the enemy remained upon the Russian territory it was obvious that no relief of the kind now proposed could have been afforded; because it could neither have been administered with certainty, nor enjoyed in security. But we have now the satisfaction to know, that the French armies have been driven with discomfiture and disgrace from the limits of the Russian empire. This, he hoped, would sufficiently account for the grant not being proposed at an earlier season, and he thought it would be obvious to every gentleman that it could not be delayed, without losing the grace and merit of a spontaneous gift, and sacrificing the dignity of the House, whom it became rather to lead than to follow the impulse of public opinion: for he was convinced that, if parliament were even for a few days to hesitate, the feelings of the people of this country would be so excited as to break out in some voluntary acts of public generosity, and parliament might be compelled to imitate an example which it better became them to give.

The intelligence, however, to which he more particularly alluded, as rendering this measure expedient, was that of a subscription entered into at Petersburgh, at the head of which the Empresses and the rest of the royal family had placed themselves, for the relief of the greatest sufferers by the French invasion. Till this step was taken, it might have been doubted whether there were any practicable means of administering those comforts which the liberality of this country must wish to supply, but which would now be easy of application through the medium of the committees appointed for that purpose in Russia, who would enquire into particular cases, and apply relief where it most was needed, with the same anxious solicitude and discriminating care which had been so often displayed in similar cases in this country.

In what manner the relief should be applied, whether in money or in any supply of necessary articles, or by a due mixture of both modes, he could not at the moment be prepared to state. It might be proper on this subject to leave much to the discretion of our ambassador at the court of Petersburgh, and at all events to consult him upon the subject; in which no time need be lost, as the ambassador might be instructed to make such advances as were necessary, upon account.

With regard to the amount of the sum, he was aware that it could not be commensurate with the extended misery, to the alleviation of which it was to be directed. On the other hand, it would not become the liberality of this country to offer to our allies, suffering in our cause and the general cause of Europe, not less than in their own, a scanty and penurious grant.—Allies he repeated, suffering in our cause, as well as in their own, for the contest in which Russia was engaged, was not merely one of the greatest importance to the political interests of Great Britain, but immediately connected with the direct interests of those manufacturing bodies whose sufferings had been invidiously stated as an objection to the grant. That the manufacturers had suffered from many causes, and especially from the loss of the American trade, he was far from denying; but the glorious successes of the Russian arms appeared to offer an ample compensation for the loss of the American market, in the extended markets of Europe, which now seemed about to open to their industry. In this point of view he was persuaded that those manufacturers who had been alluded to, would be among the first to ap-

prove this grant, as a tribute of gratitude for those heroic exertions to which they were so greatly indebted. Every day, and even every hour brought intelligence of the reviving activity which these successes had infused into British commerce.

The sum he was about to propose was 200,000*l.*, a larger amount than had ever before been voted by parliament for a similar purpose, but which the occasion required to be larger, because the sufferings were more extensive, and the self-devotion and heroism which had marked the conduct of those who endured it, unequalled, he believed, in the annals of the world. With regard to the extent of suffering, it was sufficient to view upon the map the wide range of country to which devastation had been spread, and to reflect that a great and ancient capital with many other towns had been destroyed, and that throughout so extensive a tract scarcely a private dwelling remained to shelter its lately peaceful and secure inhabitants. Thousands, he feared he might even say hundreds of thousands, were driven houseless into the forests, exposed to all the rigours of a Russian winter, and this they willingly endured, rather than betray the honour of their country and submit to the domination of a foreign invader. It was to relieve this great and complicated misery that he called upon the House of Commons to step forward. To relieve it entirely was, indeed, beyond human power; but much might be done by the liberality of their sympathizing countrymen united with the bounty of this nation, and it was, in all events, a consolation to the afflicted to know, that there were hearts which felt for their woe, and were ready to administer to their wants. We must not forget the difference between the price of necessary articles, and the manners of the people in Russia and here, and that a sum which might here appear inconsiderable, would there afford a seasonable and valuable supply. The sum, however, which he was about to propose, could not, in any sense, be called inconsiderable, and he trusted it would be found most extensively useful. But whatever opinion might be entertained on this point, there could be no doubt that the disposition to assist the distress of the Russians, which this proceeding would evince, must carry satisfaction to every heart in Russia, and tend to bind the closer those habits of connection which common interests and long experience pointed out as so advantageous to both. He trusted that it would lay the foundation of an alliance more durable and more closely cemented than any political or diplomatic arrangement could frame. Every traveller who had visited Russia would bear witness how much the hearts of the people were actuated by good will towards this country; and he trusted that this feeling would now receive greater force. Their gratitude would more than equal our liberality; and on these grounds, without further trespassing on the patience of the committee, and leaving the question rather to their own feelings and judgment, upon facts of unquestionable notoriety, than endeavouring by any argument of his to persuade them to the vote, he begged leave to conclude by moving, "That it is the opinion of the committee, that the sum of 200,000*l.* be granted to his Majesty to enable his Majesty to afford relief to such parts of the Russian empire as have suffered from the invasion of the enemy."

Mr. *Ponsonby* declared, that it certainly was his intention to vote for the proposed grant, but it was not on account of any of the reasons stated by the right hon. gentleman, nor was it because the terms in which the Message was conceived, were such as were most likely to induce the House to comply with its request. The Message stated the wish of the government to be, to afford "speedy relief" to the suffering Russians; and after this declaration, the right hon. the Chancellor of the Exchequer had said, that before any relief could be granted, it would be necessary to communicate with our ambassador at Petersburgh; so that it would arrive at the end of the winter, when it would be unnecessary. Effectual relief was held out as attainable; but it would not be in the power of the country, not only if it were as liberal but as extravagant, as the Chancellor of the Exchequer could wish, to afford it. But though it was his opinion, that the relief to the sufferers would neither be speedy nor effectual, he should not vote against the proposed grant. But he voted for it, not under the supposition that any of it would go to the Russian peasant, but as a present to the Russian emperor, and lest we should seem to manifest a coldness or backwardness with respect to the noble struggle in which he was engaged. Thinking thus, he did not like the cant of this begging Message, which came to the House under the hypocritical pretence of asking alms for the people. For the sufferings of the people

of this country, he felt as much as any man; and if the question were simply, to take a sum from the sufferers of England to give to those of Russia, he should give it his negative. The distresses in England, it might be proper to remark, though brought on partly by causes beyond the controul of government, had been in part caused by circumstances which it would have been in their power to prevent. If speedy and conciliatory measures had been adopted with regard to America, a very large portion of this distress would not have existed. At the beginning of the session, the noble lord opposite (Castlereagh) had said, that the most effectual way of assisting Russia, —the way in which that country wished to be assisted,—was, by efforts in Spain: that noble lord had also said, that efforts as great as the power of the country would admit of had been made; that the manner in which that campaign had ended, was not to be attributed to failure on the part of ministers, but to the limited resources of the country; that the country, in fact, was unable to do any thing more; but now came this proposition, to send 200,000*l.* not to assist Spain, but Russia, while this last power wished it to be applied to Spain. He appealed to every gentleman present whether his statement of what had been said was not accurate. He should be glad to know whether all means had been taken by the government to render the country able to support this additional expence? The Bill which had been brought forward by an hon. gentleman during the lass session, the Sinecure Bill, would, had it passed, have afforded enough for this grant. It might be said that the Bill had passed that House; but though it might not be proper to allude to what had passed elsewhere, he could not help remarking, that if ministers were as earnest in their wishes for the abolition of useless places, as other members in that House, the event would have been different; or thus much of the session would not have passed, without a message on that subject from the crown. If, however, the House were to negative this grant, more harm would be done to the sufferers of this country, than could be retrieved by the possession of the 200,000*l.* Russia had been brought to the state in which she was, by refusing to submit to the continental system; and if the result of the struggle were to enable her to keep open the markets of that vast empire to our manufactures, she would soon repay the sum we might now advance. This he admitted; and if the noble lord had openly come forward, and stated the necessity of it, he should have felt pleasure in concurring in the grant. But in saying this, he hoped he should not be thought to patronize the system of subsidizing. The state of things in Russia arose from her having engaged in this virtuous struggle unbought by us. The situation to which she would have been reduced by an alliance with France, was before her eyes, and without communication with this country, or, if with communication, he was convinced, without assurance of support, she nobly took her part. For these reasons he should support the vote; and he was anxious that it might be seen by the distressed manufacturers, that it was not from any insensibility to their sufferings, that the vote of one member, at least, was determined, but by a sincere conviction that their interests would have been more injured than served by refusing this grant.

Mr. *Bathurst* said, that the right hon. gentleman had not been happy in the selection of his topics, which were not reasons against the grant, but insinuations against the motives of those who had introduced it. The word "speedy" applied, not to the absolute length of time, but to the nature of the case. If, on communication with our ambassador at Petersburgh, relief in specie should be judged expedient, there could be no difficulty in making it immediate. The word "effectual" had been applied, not to the relief afforded by this government alone, but in conjunction with that of Russia. To what pitch the munificence of Russia might extend he did not know, but he hoped, that in conjunction with the aid afforded by us, it would be effectual to the great object intended. The next objection was, that it would go, not to the sufferers, but to the Russian treasury, and under this persuasion, the right hon. gentleman had thought the Message properly designated by cant or hypocritical, which terms (had that conception been correct), would not have been misapplied. But did that right hon. gentleman think, that the paltry sum of 200,000*l.* could be thought of as an aid to Russia in such a war as she was engaged in? The next objection regarded Spain, and ministers had been accused of contradiction in withdrawing this sum from Spain, and applying it to Russia. This had received a negative from his side of the House, not on account of any incor-

rectness in the right hon. gentleman's statement of what had been said, but because that had been spoken of as to be applied in aid of the government, which was intended for the relief of the people. The right hon. gentleman had justly stated, that more good would be done to our manufacturers by granting this sum to conciliate Russia, than by doling it out among them; but with this had been mixed up the consideration of our policy as to America. Without attempting to enter on this question at present, it was not so clear as that right hon. gentleman seemed to imply, that hostilities had arisen entirely from the misconduct of government, and not at all from the spirit of the Americans. He was astonished to hear the right hon. gentleman speak as he had done of the Sinecure Offices' Bill. It was true, that by a total disregard of vested interests, a fund might be produced; but as to the Bill, it had been acknowledged last session by the hon. gentleman who proposed it, that though it would be grateful to public feeling, yet in a pecuniary sense it would be nugatory.

Mr. *Ponsonby*, in explanation, said, that as it was the duty of the Russian government to protect its own subjects, this could operate in no other way than as a subsidy to that government. As to the Sinecure Bill, he did not mean that the whole sum of 200,000*l.* would be found in the Treasury, but that by that measure a saving would be effected equal to the interest of that sum, which must be funded; and of which the interest must now be paid by the people.

Mr. *Whitbread* was sorry to say, that the grant would not pass unanimously. On the Message being first read it had struck him that the grant was not proper; and on discussion with friends whom he respected, and who entertained sentiments on the subject different from his own, he had not found reason to change his opinion. Some of the grounds of his dissent from the grant had been stated by his right hon. friend. He did not, moreover, think it just to this country to take money out of the pockets of our starving manufacturers, to apply it to sufferers to whom, unhappily, it could be of no use. Those unfortunate beings who, as the Chancellor of the Exchequer had stated, had sought shelter from the severity of a Russian winter in their forests, were now, alas! as senseless as the snow with which they were surrounded: and how, if they continued to exist, could the small sum which they were that night called on to vote, afford them relief? Though the contest in Russia might have a tendency to increase our own security, yet to imagine that this 200,000*l.* could be a bond of unity between that nation and ourselves, would be to contradict the testimony of experience. It had been the interest of Russia to enter into amity with us; she had acted in pursuance of that interest, and in accordance with that interest she would act hereafter. It had been said, that committees of nobles had been formed—that the emperor had exerted himself to afford relief, by rebuilding habitations, and by alleviating the poignant misery of the sufferers. It did, indeed, behove the Russian government to do away with all the pomp of state—to apply all the resources of the empire to this object: it was more particularly the duty of that government to do so, from the commission of an act, singular in modern history—the conflagration of Moscow. This grant could be considered as no other than a subsidy in aid of the war in Russia; for by discharging the Russian government of the duty of applying a sum equal to this to its suffering subjects, it left an equal sum applicable to the purpose of driving the French from the empire, or to that of crushing their power. It was a subsidy then—a paltry and contemptible subsidy as to the purpose of the war. From the resistance of Russia, if wisely taken advantage of, the greatest blessings might ensue. This, however, was as yet uncertain. In the mean time, there were in some parts of this country cases of as crying distress, as, out of the reach of war, could possibly be. Suppose a grant proposed to these sufferers; would it not be said to be improper to attempt to alleviate private distress? But would it not be an act of justice to our own country, before we went abroad with our charity, to know whether we had not objects at home, to whom it might be extended with advantage?

Lord *Castlereagh* disclaimed the idea that, in consequence of this grant, we should be called upon to supply the wants of every country that might be reduced to a state of distress by the aggression of France. A principle so broad would lead to consequences, which, in the present convulsed state of Europe, it would be impossible for this country to meet. But the question was, whether the sufferings of the people of Russia were not brought home to our feelings, both by the heroic exer-

tions they had made, and by the important effect which those exertions were likely to have on our own interests, in such a manner as to call for every relief and assistance in our power? The efforts of Russia had been as gigantic as her sufferings had been without parallel; and it was not to be expected that equal sacrifices would again be made to call upon the House for their interposition. An hon. member had treated the proposal to afford relief to the Russian people as chimerical, and even liable to the suspicion of hypocrisy. He should have thought this character much more applicable to the measure, if it had been brought forward in the shape (which that hon. gentleman recommended) of a subsidy to the emperor Alexander. Nothing could be more contemptible or insulting, than a grant to such an extent to a power struggling with the difficulties which Russia had to encounter, and on the immense scale on which her military operations were carried on. But though its effect might not be so immediate or decisive as could be wished, in alleviating individual distress, yet he hoped it would come seasonably in aid of the patriotic contributions now raising by the Russian government and nobles, to enable the peasantry and lower classes to resume their occupations, and re-build their habitations, on the return of the mild season. By this grant we should shew that we understood the nature of the struggle in which we were engaged, and were not insensible to the noble sacrifices which a whole people had made, not only of temporary interests, of local attachments, of ancient prejudices, but almost of existence, to the cause of country and of king. We could not act wrong in subsidizing the best feelings of human nature. In this view, no act of government had ever been more beneficial than the relief which we had afforded to Portugal. Should our troops be driven back again to the lines of Torres Vedras, the attention and sympathy we then manifested for the sufferings of the Portuguese, had left traces in the hearts of the people, which would make lord Wellington's defence light and easy.—His lordship concluded by alluding to the flattering prospects of peace which might probably be anticipated from the Russian successes; of a peace founded on national honour, on national security, and on the public law of Europe; a peace, by means of which every man might sit down in safety, and repose under the shadow of the laws and constitution. He regretted the disapprobation of the motion expressed by the hon. member who spoke last, but bore testimony to the manliness and sincerity with which that hon. gentleman, on all occasions, declared his opinions in that House.

Sir *F. Burdett* said, he had heard many parts of the noble lord's speech with pleasure, but there was no part of it which he had heard with so much pleasure, as the word 'peace,' a word which he had not for a very long time heard from the other side of the House. If he thought the present grant would really tend to facilitate that most desirable object, a secure and honourable peace, there was no man who would more readily and cordially agree to it than he would. He sincerely hoped that all the sacrifices and exertions which had been made, and of which so much had been said, would not end in a delusive sound, and that we should not be embroiled in fresh wars on fresh successes. But it had been, in his opinion, justly stated, that the proposed grant would not give effectual relief to the Russians; and, knowing the distresses of our own countrymen to be great, and feeling them as he did, he could not assent to taking the money out of the pockets of the poor of this country, to waste it in nominal relief to others. No attempt had been made by parliament to retrench wasteful and superfluous excess in many of the departments of government; no hint had been thrown out, no intention had been expressed, tending that way. While this was the case, he thought it his duty to resist every application to parliament for any extraordinary supplies, in the present exhausted state of the country. It was not possible to take up a paper; not a day passed, without accounts of distraining for the taxes in different places. He did not understand the principle of that generosity, which sympathised only with the distresses of other countries, but had no feelings for those of our own. Last year the sufferings of the manufacturers in the northern and midland counties had been laid before parliament with a view to some pecuniary relief being afforded. Those sufferings were of a nature to make every feeling heart bleed. But the answer to the application was, that no relief could be be given, consistently with the pressure of the times, and with public œconomy. We paid dear for the prevalence of this sort of foreign sympathy; we had to maintain French

loyalists, Dutch loyalists, American loyalists; but when he had come to the House with a proposal of some better provision for the worn-out servants of the public, veteran officers who were pining in poverty and obscurity, or the disabled cripple, whom we daily saw begging about our streets, he had received the same cold answer. that the necessary expences of the government were so great as to admit of no addition.

Mr. *Wilberforce* said, that those gentlemen who opposed the grant found it hard to reconcile their conduct to themselves. They could only do it by inventing some other object of humanity which appeared to claim the preference, or by denying that the measure before the House would operate effectually to the relief of the sufferers. He thought, that including the cheapness of provisions and the mode of living in Russia, the sum, moderate as it was, would be of considerable immediate service; but he conceived the principal benefit to be expected from it, was, that in other cases of a similar kind, it would be setting an example, and opening a channel, into which the charitable and liberal feelings of others would naturally flow. An hon. gentleman had spoken lightly of the grant, as not likely to cement the two countries together. But he conceived that nothing had a greater influence in strengthening political alliances than the manifestation of a friendly and generous disposition between the people. He did not see why nations as well as individuals might not be both generous and just. He had attempted to make some calculation of the share of the expence which would fall upon the poor of this country, but he had found it impossible, and had given up the task in despair. He thought that we could only testify our gratitude to Providence for our exemption from the heavier calamities of war, by shewing our sense of the sufferings to which the inhabitants of other countries, united with us in the same cause, were unfortunately exposed.

Lord *Cochrane* gave his support to the motion, as the sum to be voted was not greater than every ten days expence of the war in the peninsula.

The motion was then carried without a division.

HOUSE OF COMMONS.

Monday, December 21.

Petition from the Chamber of Commerce of Edinburgh, respecting the East India Company's Affairs.] A Petition of the chamber of commerce and manufactures of the city of Edinburgh, was presented and read; setting forth,

"That it hath been represented to the petitioners, in their corporate capacity, that in the present limited state of the commerce and manufactures of this country, owing to the continental restrictions laid thereon of late, the trading and manufacturing interests of Great Britain and Ireland have suffered greatly; and that many thousands of workmen employed in our manufactures are reduced to a state of poverty and idleness, without there being any immediate prospect of their being soon restored to their former situation; and that, by the act of 33 Geo. 3, c. 52, the East India Company are vested in the exclusive right of trade and navigation to all those countries comprehended between the Cape of Good Hope and the Straits of Magellan, containing a population of many millions of inhabitants; and that, although all the rest of his Majesty's subjects are thus excluded from trading to any of those extensive territories, yet, by the act of 37 Geo. 3, c. 57, the same is allowed to the subjects of all foreign nations in amity with his Majesty; and that the East India Company are not known to have hitherto traded to many of these extensive countries, their own settlements and China excepted; and that the private trade to the settlements of the East India Company, under the regulations of the year 1793, is laid under so many restraints as tend to deter many people, especially those who are at present unacquainted with India, and who reside at home, from engaging in it, while foreigners, who pay no part of the heavy taxes imposed on the subjects of Great Britain and Ireland, are entirely relieved from the restraint of these regulations, by which means they are enabled not only successfully to combat the exertions of the private traders from this country to India under the regulations of 1793, but also to compete with the East India Company itself, both in the east, and on the continent of Europe; and that, were the trade to the countries lying between the Cape of Good Hope and the Straits of Magellan laid open to the industry, exertion, and enterprize of the subjects of Great Britain and Ireland at large, it would afford employment to many thou-

sands of workmen employed in the manufactures of this kingdom, who are at present reduced to a state of idleness and consequent poverty; it would create an additional nursery for seamen, a set of men who have, especially of late years, eminently contributed to sustain the consequence, perhaps even the political existence of this kingdom, and would, at the same time, prove the means of adding to the riches, the revenue, and the national prosperity of the British empire; and praying the House to take the premises into consideration, and to grant such relief as to the House may seem necessary, in a matter of such great national concern; also to allow the petitioners to be heard, by themselves or their counsel, at the Bar of the House, in support of the objects of this Petition."

Petition from the London Woollen Pressers, respecting the East India Company's Affairs.] A Petition of several pressers of London, employed by the East India Company, was also presented and read; setting forth,

"That the affairs of the East India Company are intended shortly to be brought before parliament, as signified by his royal highness the Prince Regent in his Speech from the throne; and the petitioners humbly presume to state to the House, that they, in common with a great number of other tradesmen employed by them, residing in and near the city of London, derive their support from the woollen trade which is there carried on by the East India Company; and that it is by the most strict attention to the various regulations which have been at different times made, and by the petitioners punctually attended to, that the East India Company's exports have secured the confidence with which they are received by the consumers in India; and that the petitioners being appointed pressers of woollen goods to the East India Company, have, in consequence, expended large sums of money in forming establishments suitable to those regulations in the different departments of the woollen trade which they respectively exercise, all which, in the event of the East India Company's trade being thrown open, would be the ruin of the petitioners, who would have no other means of employing their expensive implements, which would be rendered useless, and to them of no value; and that the situation of the workmen employed by the petitioners would be in the highest degree distressing, as they would be found incapable of adapting their habits to new modes of business, and consequently both themselves and their families would be deprived of the means of subsistence; and praying the House to take the circumstances into consideration, and prevent the dreadful consequences that must otherwise ensue."

Ordered to lie upon the table.

Petition of James Philip Inglis.] Sir F. Burdett presented a Petition from James Philip Inglis; setting forth,

"That the petitioner was appointed, on the 31st March 1812, to the command of the government colonial brig Emine, and ordered to proceed to New South Wales; and that the petitioner had used every exertion for the equipment of his vessel, and was on the point of sailing to his place of destination, when, on Thursday the 23d of July last, about six in the evening, a press galley belonging to the receiving ship off the Tower came alongside the Emine, commanded by Mr. Peachy, with four of his ship's company, to whom he had given permission to go on shore, but the midshipman not being in naval uniform, the petitioner did not suppose him to be a naval officer, although every respect was shewn him; Mr. Peachy demanded a sight of the ship's protection, which was instantly complied with, and, after looking it over, returned it in a most disrespectful manner to the petitioner, and said it was good for nothing, although it was an official document from the lords of the Admiralty protecting the crew of the said vessel; that the petitioner desired the men to go quietly in the galley, and that he would make immediate application for their release; that the petitioner immediately quitted the deck, supposing the men to have proceeded to the Tower, but was informed, whilst below, that part of the ship's company had gone into the jolly-boat, shoved off to rescue their shipmates, and returned with them on board; and that the petitioner begs to state to the House, that on the next day, Mr. Gatty, from the Thames Police Office, came on board with a warrant from Mr. Herriot for his apprehension; he immediately submitted himself, and underwent an examination before Mr. Herriot the same day, who ordered the petitioner to be committed to Clerkenwell Prison; he was then locked up in a place at the Thames

Police office, the most horrible to be conceived, till about eight in the evening, when he was taken out and handcuffed to a person of supposed despicable character, and in that state was conveyed to Clerkenwell Prison; and that, upon the 25th, the petitioner was brought down handcuffed, and underwent a similar examination as on the preceding day before Mr. Herriot, and remanded back to jail, handcuffed in the same manner as he was brought up, to remain till the 31st; and that the petitioner begs to state, that, during the time of his confinement in Clerkenwell Prison, he was locked up with every description of people, and obliged to submit to the indignity of taking half a bed with a man in irons, much injurious to his health, and most repugnant to his feelings; and that the petitioner was again ordered down on the 31st of the same month, before Mr. Herriot, when, upon examination of the surgeon of the receiving ship, he was admitted to bail, in consequence of the man belonging to the press-galley, who had been wounded in the scuffle, being considered out of danger, and for which the petitioner had been committed to Clerkenwell Prison; and that the petitioner, anxious to be brought to trial at the then impending assizes for the county of Kent, desired his attorney, Mr. Arman, to remonstrate against any delay in his trial, as the assizes were so near at hand, and the consequences of delay so ruinous to the petitioner; and that the solicitor for the Admiralty, Mr. Bicknell, would not acquiesce to his wishes, although the petitioner was willing to have remained in prison in order to expedite his trial; and that the petitioner begs leave to call the attention of the House to his extreme hard case, in being denied taking his trial at a time when he could have received the benefit of his witnesses, who are now absent from this country on their voyage to New South Wales, and who would have given every satisfactory evidence on his behalf, if his trial had been permitted to have come on at the last assizes; and that the petitioner humbly represents, that he has been subject to a very heavy expence in furnishing himself with the necessary articles for the intended service, and which, with incidental charges, amounts to upwards of 1,100*l.* added to which, he has a wife and two children, one of whom is completely dumb, and for whose education he is at a great expence; and that the petitioner begs to say, that his remaining property is in the East India Company's Funds at Madras, which is a circumstance that subjects him to great inconvenience in being so long detained in this country, and praying, that the House will take his case into their immediate consideration, and afford him such relief as they may judge proper."

Ordered to lie upon the table.

PETITION OF THE RELATIVES OF PERSONS CONFINED IN ILCHESTER GAOL FOR RIOTS AT BATH.] Sir *F. Burdett* rose to present a Petition from the friends and relatives of certain persons now confined in Ilchester gaol. The parties were resident at Bath, and the individuals in confinement had been committed in consequence of assembling riotously before the town hall, during the last election in that city, and demanding in a tumultuous manner that the doors of the hall should be opened. This was refused, and some windows were broken. The next day these persons were seized, and had been treated with a severity which nothing could justify. The particulars of that severity were set forth in the Petition which he held in his hand. The offence was certainly bailable, and bail to any amount had been offered, but was refused. They were then sent to Ilchester gaol, and being all of them people who maintained their families by their own labour, the greatest distress had ensued to them. One was a journeyman printer, another a journeyman carpenter, and another was a poor woman who earned her subsistence by carrying goods home from the markets. They were, of course, unable to obtain justice by any legal process. The petitioners set forth that they were confined in solitary cells and heavily ironed. All access to them by their friends or relations who might be disposed to alleviate the hardships of their lot, was denied. During this severe weather they had nothing to sleep on but a little straw in a stone dungeon, and covered with a scanty rug; and though some humane persons in the town had provided them with great coats, yet they were stripped of these every night before they were locked up in their cells. The ordinary hour of locking them up was about four o'clock. Their food was nothing but bread and water; and to convince the House that he was not dwelling upon feigned or imaginary distresses, he would shew them one of the loaves which had

been sent up to him from Ilchester, and which was the whole allowance for one man for a day. [Here the hon. baronet drew forth a little loaf from his pocket, and after holding it up for the inspection of the House, he dashed it indignantly on the floor, and it rolled towards the Treasury benches, where it was picked up by one of the members.] Mr. Burke, continued the hon. baronet, had once thrown down a dagger on the floor of that House, to produce effect, but he had produced something that was real, and not from the mere impulse of momentary feeling. He would ask, whether such a pittance was enough to sustain life? Before he concluded, also, he wished to advert to the present state of the gaols throughout England. He feared there was a degree of oppression exercised in them by the inferior officers of what was called justice, countenanced in some instances by the magistrates themselves (though he was far from intending to cast any imputation upon that body in general,) which were shocking in a civilized country. With regard to the Petition he held in his hand, he knew not exactly what mode of redress to suggest to the House, but he thought some relief ought surely to be afforded. The petitioners were too poor to remove their complaints to either of the courts at Westminster by writs of Habeas Corpus. He concluded by moving, That the Petition do lie on the table.

Mr. *Harvey* thought it would be a dangerous precedent to grant the prayer of the Petition, which went either to liberation from prison, or to being admitted to bail. The prisoners had been committed for felony, the Riot Act having been duly read, and they had continued their tumultuous conduct notwithstanding. It was the province of a jury, therefore, to decide upon their guilt or innocence; and they would take their trial at the next assizes. He considered the allegations in the Petition as false.

Lord *Palmerston* suggested whether it would not be better to present the Petition when there was a fuller attendance of members.

Sir *F. Burdett* said, he had waited till the House was nearly upon the point of adjourning, in hopes that more members would be present.

The Petition was then read. It purported to be the Petition of several friends and relatives of John Hipwood, William Erry, William Taylor, Charles Pitt, Philip Millikin, and Elizabeth Lovett, now under confinement in the gaol of Ilchester, upon a charge of a riot committed at the late election for Bath; and set forth,

"That, on the 2nd day of the late election for the said city, held by virtue of the proclamation thereupon issued by Joseph Phillott esq. the returning officer thereof, a great number of the freemen and other inhabitants of Bath were peaceably assembled in the market place in front of the town hall of the said city, in order to continue the business of such election, in exercise of their lawful rights and privileges; and that the doors of such hall were then closed against the citizens, and guarded by an extraordinary number of constables, who prevented all access thereto, in despite of the repeated remonstrances made by John Allen, esq. one of the candidates, who insisted on the right of public admission thereto for the purpose of continuing the said election; and, in consequence of their persevering in such refusal, the suffrages of the freemen then present were about to be taken in the open street at a temporary hustings, when an immediate stop was put thereto (notwithstanding there was not the least appearance of riot or tumult) by three of the corporation of the said city, who violently rushed out of the said hall, attended by a number of constables, and not only seized the person of the said John Allen, esq. dragging him from the place on which he was then standing (and in the very act of exhorting the people to keep the peace) preventing thereby the unpolled freemen from tendering their votes, and also with their staves and bludgeons striking and compelling the people to disperse; and that, in consequence of such violent procedures on the part of the corporation and their officers, many of the persons so struck, and others who felt indignant thereat, attacked the officers in their turn by throwing at them dirt, oyster shells, &c. by which several windows of the town hall were demolished, but no personal damage whatever was sustained by the constables, although by their promiscuously striking at the people with their long staves more than 100 persons were severely wounded and bruised by them; and that, on pretext of such riot, the several persons above named (together with others who have since been admitted to bail) were seized by the officers, and dragged to the Bridewell of the said city, where they were kept for four days in

cells heavily ironed, and on the allowance of a twopenny loaf and water each per day, until they were fully committed on a charge of having unlawfully and riotously assembled in the market place of the said city, and having there feloniously remained with such persons so assembled one hour after proclamation had been made (as it is said) by one of the magistrates for their dispersion, pursuant to the act of the 1st of George 1, although the riot and tumult was notoriously begun by the said three members of the corporation and the constables in manner above stated; and, although bail for the appearance of the said prisoners was tendered to the said Joseph Phillott by their friends, and also by vice admiral Graves and the said John Allen, esq. to the extent of 5,000*l.* yet the said Joseph Phillott, in the most harsh and peremptory manner, refused to accept of any bail whatever, and committed the said prisoners to the county gaol of Ilchester, where they now remain, and must continue confined upon the same miserable allowance of bread and water as in the Bath prison (which is totally inadequate to the sustenance of human existence) until the next assizes (being six months from the time of their commitment) unless the House shall be pleased to interfere on their behalf, by ordering them to be released or admitted to bail; and that, in consequence of the imprisonment of the said John Hipwood, the business of his father as a boat builder, and of which he had the sole management, is at a stand, and his parents have sustained most serious pecuniary injury, as well as much mental affliction, thereby; and that the said W. Erry is by profession a journeyman printer, and by his labour supported his aged mother and infant brother and sister, who, in consequence of his confinement, are now thrown on the parish for relief; and that the said W. Taylor, another of the said prisoners, is by trade a carpenter, who by his industry has materially contributed to the support of his mother and an infant sister; and that the said Charles Pitt is by business a shoe-maker, and by his labour as a journeyman maintains himself and his mother, who is a widow; and that the said Philip Millikin is by trade a journeyman printer, and has ever borne an irreproachable character for industry and integrity; and that the said Elizabeth Lovett the other of the said prisoners (who was apprehended in her bed on the night after the above tumult) is merely a poor industrious woman, who obtains her livelihood by carrying baskets from the market; and the petitioners have not only been informed, but some of them have actually seen, that, independent of the scantiness of their gaol allowance, the bodily sufferings of the prisoners above named are very considerable, inasmuch as they are fettered like felons of the worst description, precluded the sight and conversation of their friends, except at three stated times of the day, one hour only at each time, and then through two iron gratings, at the distance of six feet from each other; and, notwithstanding they have been supplied by the humanity of several gentlemen with a great coat each, to defend them against the inclemency of the season, their clothes, which might add to their warmth in the nights of this severe winter, are constantly taken from them on their retiring to their straw bed (about four of the clock in the afternoon) where they have nothing but a rug allowed them for a covering; and that the petitioners have been informed that all ends of public justice would have been answered, and the duration of the confinement of the said prisoners shortened at least one half, if the magistrates had chosen to commit them to the next quarter sessions of the peace, instead of the assizes, for the county, and to draw down a heavier judgment (if possible) upon the unfortunate relatives of the petitioners, the said corporation have already monopolized all the leading counsel on that circuit; and that the poverty of the prisoners has prevented their applying to any of his Majesty's courts of Westminster for writs of Habeas Corpus for the purpose of being admitted by a judge to bail, and by whom they would most probably have been relieved; and that, although they, as well as the petitioners, have been advised, that they will ultimately have legal redress by actions at law against the persons by whom they have been under these circumstances imprisoned, yet in the mean time, in consideration of the personal sufferings of the said prisoners, and of the great affliction of mind felt by the petitioners as their relatives and friends, and also in consequence of the severe privations and hardships sustained by their respective families by reason of their confinement; the petitioners pray, that under the whole of these circumstances, the House will, in its humanity and justice, be pleased to interpose herein for the relief of the above named prisoners, in

such mode as to them shall seem meet."

Ordered to lie upon the table.

Army Estimates.] The following is an Abstract of the sums voted for the Army Services for the year 1813.

Abstract of the Estimates of Army Services, for the year 1813: presented to the House of Commons on the 11th and 21st December 1812.

	Numbers.	Great Britain. £.	s.	d.	Ireland. £.	s.	d.
Land Forces (including various Contingencies)	227,442	7,196,188	17	10	771,012	4	1
Regiments in the East Indies	28,009	876,649	15	0			
Troops and Companies for recruiting ditto	533	30,236	10	10			
Embodied Militia	93,210	1,983,961	8	0	1,098,529	13	5
Staff and Garrisons		513,792	13	3	109,226	13	3
Full Pay to Supernumerary Officers		32,088	8	8	940	19	8
Public Departments		308,201	9	5	11,960	7	9
Half Pay, &c.		206,250	—	—	25,443	4	2
In-Pensioners of Chelsea and Kilmainham Hospitals		39,264	2	1	18,332	11	1
Out-Pensioners of Do.		432,695	9	9	91,239	6	0
Widows Pensions		50,011	16	6	8,103	2	3
Volunteer Corps		209,277	—	—	266,123	1	7
Local Militia		636,623	—	—			
Foreign Corps	32,163	1,174,019	4	4	31,623	13	0
Royal Military College		38,997	10	1			
Royal Military Asylum		27,096	11	11			
Allowances to Retired Chaplains, &c.		19,394	1	6	1,923	13	11
Medicines and Hospital Expences		105,000	—	—	22,081	11	3
Compassionate List		30,055	9	10			
Barrack Department (Ireland)		- - - - -			460,587	6	4
Commissariat Department (Ireland)		- - - - -			295,605	5	4
Superannuated Allowances, &c.		11,670	18	9	4,334	18	5
Total	381,357	13,921,494	7	9	3,217,067	11	6
Deduct the Regiments in the East Indies	28,009	876,649	15	0			
Remains to be provided for 1813	353,348	13,044,844	12	9	3,217,067	11	6

HOUSE OF COMMONS.

Tuesday, December 22.

Navy Office Clerks.] Sir *F. Burdett* put a question to the noble lord opposite, whether the clerks in the Navy Office (who, although they had purchased their situations from lord Barham, had had their emoluments most unduly curtailed) and to whose case he took occasion last session to call the attention of the House, had yet received any relief, or whether it was intended to afford the redress required? He understood that a representation upon this subject had been made from the Navy Office to the Board of Admiralty, and he wished to know what was meant to be done in consequence of that representation?

Lord *Castlereagh* expressed his regret that he had it not in his power to answer the hon. baronet's question, of which had he been aware, he would have inquired after the information desired. He had, however, no doubt that complete justice would be done by the Admiralty. With respect to the hon. baronet's allusion to lord Barham, he trusted the hon. baronet did not mean by that allusion to insinuate any charge against that noble lord, who had, in the transaction referred to, merely followed the established official practice, and who was incapable of any dishonourable action.

Sir *F. Burdett* said, that he had it once in contemplation to bring forward a charge against lord Barham, and he still thought that no practice could justify the sale of these offices—but still less was he justifiable, after such sale, meanly to curtail the emolument of the purchasers.

Local Tokens.] Mr. *Hudson Gurney* asked, whether it was the intention of ministers to press the provisions of the Local Token Act, and thereby to inconvenience the country in the present scarcity of silver, and the comparatively limited distribution of Bank Tokens?

The *Chancellor of the Exchequer* repeated the statement which he said he had submitted to the House in the course of the discussions upon the Gold Coin Bill, namely, that although he fully approved of the principle of the Local Token Act, it was intended to postpone the operation of that principle for some months, he thought until about Midsummer, in order that measures might be taken in the interim to ensure a more liberal supply of Bank Tokens.

Adjourned to the 2d of February, 1813.

HOUSE OF COMMONS.

Tuesday, February 2, 1813.

Petitions respecting the East India Company's Charter—from the Provost &c. of Edinburgh—the Royal Boroughs of Scotland—the Hammermen of Edinburgh—and the Mayor, &c. of Bristol.] A Petition of the lord provost, magistrates, and council, of the city of Edinburgh, was presented and read; setting forth,

"That, looking forward to the period at which the charter of the company of merchants trading to the East Indies and to China is to terminate, the petitioners beg leave most respectfully to lay before the House their sentiments on the continuance of this monopoly, fully satisfied that the subject will meet with that attention from the enlightened senate of the British empire which its importance requires; and that the petitioners deem it superfluous to argue upon the general in-

expediency of commercial monopolies, or to state to the House their tendency to cripple the exertions and fetter the enterprize of individuals; and that, whatever reasons may have originally induced the legislature to grant exclusive privileges to a joint stock company engaged in trading to the East Indies, it is obvious that, by the intelligence, enterprise and capital of individual British merchants, the commerce of the country has been extended to every quarter of the globe not comprehended within the limits of this monopoly; apprehending, therefore, that those reasons do not now exist, and that a sufficient degree of enterprise and capital is to be found throughout the empire for carrying on a free and unfettered trade to the East Indies, and to China, the petitioners humbly hope that the House will not consent to the renewal of a charter, which, by conferring on the subjects of neutral states privileges not enjoyed by British subjects, appears to the petitioners to be contrary to sound policy, and equally injurious to the mercantile interest as inimical to the free spirit of our happy constitution; and praying the House not to continue the exclusive privileges heretofore enjoyed by the East India Company, but to render it lawful for any of his Majesty's subjects, after the 1st of March 1814, to carry on, from any of the ports of the United Kingdom, a free trade with the whole countries situate to the East of the Cape of Good Hope."

A Petition of the royal boroughs of Scotland, assembled at their annual convention, was also presented and read; setting forth,

"That the said convention, representing by delegation under existing statutes, the whole trading interest of Scotland, hold it as their incumbent duty at the present critical juncture, to approach the House at a period when the charter of the East India Company has nearly expired, and when interested and powerful individuals have combined to maintain a monopoly so truly inconsistent with commercial liberty; and that as no state necessity appears to exist for the continuance of these exclusive rights so justly complained of, as assertion without argument has alone been adduced in its defence, and as our national policy must be at all times favourable to a free and unfettered trade through the whole empire and its dependencies, the petitioners rely, with humble confidence, that the wisdom of this House will at at length admit to the merchants of this kingdom an unrestricted and unlimited intercourse with the countries to the eastward of the Cape of Good Hope; and praying the House to refuse their assent to any further extension of the present exclusive privileges of the East India Company, and to restore to the subjects of this realm their legitimate right to trade directly from any port within the United Kingdom, free and uncontrouled, with the British possessions in Asia, and with the other countries situated to the east of the Cape of Good Hope, particularly with the empire of China."

A Petition of the deacon, treasurer, and remanent members of the incorporation of Hammermen of the city of Edinburgh, was also presented; setting forth,

"That as the charter of the East India Company will expire on the 1st of March 1814, the petitioners beg leave most respectfully to solicit, that no renewal of the exclusive privileges at present enjoyed by that company be granted to them, and that all monopolies appear to the petitioners to be inexpedient; and in a mercantile country, where the spirit and enterprise of individuals has carried their commercial transactions to every quarter of the globe to which the law permits them to trade, there appears a hardship in denying to the subjects of these kingdoms the free exercise of trade to the countries situate to the East of the Cape of Good Hope, more particularly when the subjects of foreign states, in amity with his Majesty, are allowed this privilege; and that at a time when so many petitions have been presented to the House, and when the almost unanimous voice of the country seems directed to the same object, the petitioners deem it superfluous to occupy the time of the House by entering into any detail, or to add more than their earnest prayer, that no renewal of this charter may be granted to the East India Company, but that from and after the 1st of March 1814, it may be declared lawful to all the subjects of his Majesty, to exercise a free trade from any of the ports in the United Kingdom to the whole countries situate to the East of the Cape of Good Hope, or if in the wisdom of the House it shall be deemed expedient to throw open this trade to a limited number of ports only, that Leith, the port of Edinburgh, may be one of that number."

A Petition of the mayor, burgesses, and commonalty of the city of Bristol, in common council assembled, was also presented and read; setting forth,

"That the petitioners, impressed with a deep sense of the great importance of, and the national and individual benefit which may be expected to arise from laying open the capital skill and industry, and restoring the inherent right of his Majesty's subjects throughout the ports of the United Kingdom to the full and free enjoyment of trade and commerce to all ports and places either in possession of or in amity with his Majesty, observe, with the strongest feelings of regret, that it is in the contemplation of the East India Company to apply to the House for a renewal of the Charter granted in 1793; and that the petitioners observe, by the correspondence which has been carried on between the chairman of the E. I. Company and the commissioners for the affairs of India, that the E. I. Company have conceded the general principle of a free trade from the out-ports of the kingdom to the E. I. settlements, still that their concession is coupled with propositions, which, if adopted by parliament, must effectually exclude the merchants of this city, as well as those of every other part of the United Kingdom (except London), from any prospect of advantageous participation in the trade when so opened; and that it is a declared object of the E. I. Company to prevail upon parliament to continue in themselves the exclusive possession of the British trade with China, under an apprehension that the greatest danger of quarrels and the ultimate loss of the China trade would be likely to ensue from a free commercial intercourse with that nation, whereas the experience of a long course of years, during which the subjects of the United States of America have traded extensively with China, must completely set aside all ground for such alarm; and that the petitioners humbly presume, that nothing can possibly tend in a greater degree to the increase of the revenue, and the prosperity of a nation, than the freedom of its commerce, and the general diffusion of the means of carrying it on; and that, from the recent and very extensive improvements which have been made in the harbour of Bristol, ships of very considerable burthen can receive and discharge their cargoes afloat, and the port is in every respect suitable for carrying on an extensive commerce with the countries comprised within the limits of the E. I. Company's present exclusive privilege, and the petitioners may add with as much security to the due collection of the duties of customs and excise as in the port of London; and praying, that the House will not consent to a renewal of any of those exclusive commercial privileges which are contained in an act passed in the 33d of his present Majesty; but, on the contrary, that at the expiration of that act, the trade to the east of the Cape of Good Hope may be as fully and freely enjoyed by all his Majesty's subjects to and from every port of his Majesty's United Kingdom as it is at present by the East India Company and the port of London exclusively."

Ordered to lie upon the table.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS—FROM THE DEAN AND CANONS OF WINDSOR—THE CLERGY OF NORFOLK—AND THE MAYOR, &c. OF BEVERLEY.] A Petition of the dean and canons of Windsor, was presented and read: setting forth,

"That the petitioners humbly beg leave to express their hope that they shall not be thought to merit the imputation of intolerance, if they pray the House not to grant the right of admission either to the highest offices of trust and power, or to the exercise of legislative functions, of late so importunately claimed by our fellow subjects the Roman Catholics of the United Kingdom, and that the petitioners presume to maintain, with confidence, that, in presenting this their humble Petition to the House, they prove themselves to be the friends and advocates of toleration in the only just and constitutional acceptation of the term, for they cannot forget that the bulwarks erected by our forefathers in defence of the Protestant faith, were designed as barriers against the ascendency of those whom experience had but too fatally shewn to be intolerant of any other religion than their own; and that these barriers and restrictions the petitioners humbly conceive to be essential to the integrity of the British constitution in Church and State, a constitution under which, ever since they were imposed, a greater share of happiness has been enjoyed than ever fell to the lot of any other people, and which has consequently been the envy and admiration of the world; and that, to the possession of so great a blessing, as Englishmen, the pe-

titioners cannot wish to be thought insensible, but, as ministers of religion, they conceive that they should betray the trust committed to their charge, if they refrained from humbly imploring the House to frustrate all attempts to deprive them of the support and protection of those provisions and enactments to which, under God, they ascribe it, that the purity of the holy faith which they profess has been hitherto maintained."

A Petition of the archdeacons of Norwich and Norfolk, and of the clergy of the county of Norfolk, was also presented and read; setting forth,

"That the petitioners view, with increasing concern and alarm, the repeated and persevering efforts of the Roman Catholics of the United Kingdom to obtain from the legislature an elevation to a degree of political power, which, in the humble opinion of the petitioners, cannot be granted them without the most imminent danger to the constitution both in Church and State; and that the petitioners feel they should be guilty of a dereliction of duty were they longer to defer expressing, in the most unequivocal but respectful manner, not only that firm and zealous attachment to the Church of which they are ministers, springing from the belief that its doctrines are scriptural, and its ordinances apostolical, for which they claim credit from the House and their country, but also their full persuasion that, with the preservation of that Church, the best interests of true religion, as well as the stability of the monarchy, and consequent happiness and prosperity of the people, are most intimately, and indeed inseparably connected; but great as is their confidence in the purity of the Church as by law established, the petitioners contemplate, with unfeigned satisfaction, the complete and unrestrained exercise of their religion granted to all who separate from her communion; and they humbly conceive that Roman Catholics, in common with all Protestant dissenters, enjoy this toleration in the most ample manner; and therefore the petitioners humbly and most earnestly implore the House not to relax those salutary regulations in the instance of persons professing the Roman Catholic religion, to which all Protestants are at this time compelled to submit, nor to remove those guards and fences which have been so wisely planted round the venerable fabric of the United Church of England and Ireland, cemented in the blood of its martyrs, unless parliament shall in its wisdom provide other means of security, which the petitioners have never yet seen detailed, that may prove a support and defence equally permanent and solid."

A Petition of the mayor, aldermen, and burgesses of the town of Beverley, in the county of York, in common council assembled, was also presented and read; setting forth,

"That the petitioners have seen, with alarm and sorrow, the unceasing efforts of his Majesty's Roman Catholic subjects to be admitted into offices of the highest trust and power, and even to sit in the imperial parliament to legislate for a Protestant Church and State; and that the petitioners look, with satisfaction, at the degree of toleration which has been granted to his Majesty's Roman Catholic subjects, but at the same time they regard Protestant ascendency as essential to the safety and stability of the constitution, and dread any innovation which may endanger the civil and religious liberty which this kingdom has so long enjoyed, and which has raised it to its present state of pre-eminence among the nations of Europe; and praying, that the House will resist those claims of his Majesty's Roman Catholic subjects, and continue those safeguards by which our invaluable constitution in Church and State has hitherto been preserved."

Ordered to lie upon the table.

HOUSE OF LORDS.

Wednesday, February 3.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS.] The Bishop of Chichester presented a Petition from the archdeacon, clergy, and others, of Chichester, against the Catholic Claims.—He also presented a Petition from the bishop, dean, and chapter of Ely, against the Catholic Claims.—Earl Nelson presented a Petition from the archdeacons of Norwich and Norfolk, against the Catholic Claims.

The Bishop of *Norwich* observed, that the Petition was contrary to his sentiments, and he could not but give his public testimony against the propriety of the clergy interfering in this question—a question which nearly concerned the welfare of several thousands of his Majesty's loyal and faithful subjects, and which

ought to be left to the unbiassed decision of the legislature. He could not but lament that any part of the clergy should lead the way in contributing to raise the detestable cry of No Popery, which on a former occasion had produced so much mischief, and he deeply regretted that those illiberal and uncharitable sentiments which petitions of this nature upheld, and which had been banished from the rest of the world, should leave their last footsteps in the sanctuaries of our religion and our temples of literature.

The Petition having been read,

The Duke of *Norfolk* observed, that one expression in it, that the Catholics enjoyed the same privileges as the Protestant Dissenters, was not founded in fact, Protestant Dissenters being allowed to sit in parliament, whilst a part of the oaths tendered was levelled expressly at Catholics to prevent their sitting there.

The Bishop of Salisbury presented a Petition from the dean and chapter of Salisbury against the Catholic Claims.—He also presented a Petition to the same effect from the archdeacon and clergy of Berks, and the dean, archdeacon, and clergy of Salisbury, and two other jurisdictions within the diocese of Salisbury.—On one of these Petitions,

The Duke of *Norfolk* observed, that it stated that the Catholics still believed in the infallibility of the Pope; and on another, that it charged the Catholics with still holding the tenet, that sovereigns might be excommunicated by the Pope. On the language of Petitions which were now lying for signature in every alehouse in Westminster, it would not be worth while to remark; but when a Petition came from a learned body, it was natural to expect that it would be correctly expressed. It was, therefore, with surprise, he found the Catholics still charged, in Petitions from learned persons, with holding the tenets of the infallibility of the Pope, and the excommunication of sovereigns; although, by the strongest oaths that could be put to man, they had absolutely denied that they entertained any such tenets. These Petitions, therefore, asserted that which was not the fact, and it was of importance that the misrepresentation should be contradicted.

Lord *Holland* thought the noble duke entitled to thanks for thus vindicating the Catholics from misrepresentation, it being notorious that all the Catholics of Ireland had, by the strongest oaths that could be devised, and by the most solemn appeal to God, denied that they entertained any such tenets.

The Bishop of Salisbury also presented a Petition from the dean and chapter, the archdeacon and clergy of Exeter, against the Catholic Claims.—Viscount Sidmouth presented a Petition to the same effect from the mayor, aldermen and assistants of the borough of Leeds.—Ordered to lie upon the table.

EAST INDIA COMPANY'S CHARTER.] Viscount Melville presented Petitions from the chamber of commerce of Edinburgh, the convention of the royal burghs in Scotland, and the corporation of Stirling, assembled in guild, against the continuance of the monopoly of the East India Company.

HOUSE OF COMMONS.

Wednesday, February 3.

PETITIONS RESPECTING THE EAST INDIA COMPANY'S CHARTER—FROM THE MERCHANTS, &C. OF MANCHESTER—AND THE MAGISTRATES, &C. OF GLASGOW—AND THE MERCHANTS OF BRISTOL.] A Petition of the merchants, and manufacturers of Manchester and Salford, was presented and read; setting forth,

"That many of the petitioners have been long and extensively engaged in commercial transactions, embracing chiefly the sale and exportation of the cotton manufactures of this kingdom, on which the numerous population of the town and neighbourhood of Manchester mainly depend for their support; and that the petitioners have entered fully into the various considerations which arise from the efforts of the East India Company to obtain a renewal of their expiring charter, and it appears to the petitioners capable of the most satisfactory proof, that the exclusive privileges hitherto enjoyed by the company, under the authority in question, have been found highly injurious to the general interests of the country; and that, after the very ample discussions the subject has received, and the detrimental consequences which have resulted from the system of monopoly so universally complained of, the petitioners here abstain from troubling the House with the detailed grounds they are prepared to prove, and on which they urge the national injustice of prolonging these evils; and that the serious pressure occa-

sioned by the unexampled measures of the enemy to effect the destruction of British commerce, and the natural results of the wars in which the nation is now unavoidably engaged, are circumstances which call loudly for every attention to new and legitimate sources of a more extended and permanent trade; and that, to establish an open commercial intercourse generally with the countries from which the existing charter excludes the British merchants, would not only afford the most effectual relief in the present situation of public affairs, but would, as the petitioners confidently submit, most essentially contribute to the lasting benefit and prosperity of the kingdom at large, for it cannot be doubted that the daily improvement and marked superiority of our machinery, the unrivalled skill and ingenuity of our artificers, and the great variety and perfection of our manufactures, would constantly ensure them the advantage of the markets alluded to; and that the petitioners therefore earnestly trust that the House will be pleased to adopt such measures as may, after the termination of the present charter, fully secure to all his Majesty's subjects the right of a free and unlimited trade with those countries beyond the Cape of Good Hope from whence they are now prohibited; and that with this view the petitioners humbly crave leave to be heard, by their counsel, against the expediency of renewing the Company's exclusive powers, and that, if necessary, they may be also allowed to give evidence on the subject at the bar of the House."

A Petition of the magistrates and common council of Glasgow, in council assembled, was also presented and read; setting forth,

"That, observing, from its recent resolutions, that the House is to take into its early consideration what arrangement ought in future to be adopted for the regulation of the commerce of these kingdoms with the countries situated to the east of the Cape of Good Hope, and to the west of Cape Horn, the petitioners deem it their duty again to appeal on this most important subject to the justice, the wisdom, and the liberality of parliament; and that the petitioners have learned, with surprise, that it has been maintained the House is precluded, by the vested rights and privileges of the East India Company, from adopting such an arrangement as may be ascertained to be, upon the whole, the most just and expedient; and that the petitioners humbly conceive that, in point of justice, all his Majesty's subjects are equally entitled, as the united company of merchants trading to the East Indies, to hold commercial intercourse with all the quarters of the habitable globe: they apprehend that freedom of commerce is one of the birthrights of Britons, which nothing but state necessity, or strong and obvious national expediency, ought ever to induce the legislature to abridge or controul; and they submit that the present question is in reality not whether parliament ought to take from a trading corporation its vested rights and privileges, for these, being of an artificial and temporary nature, necessarily cease with the charter to which they owed their origin, but whether parliament can, in the discharge of its great and paramount duty, longer lend its sanction to an exclusive grant, which experience has proved to be highly inexpedient in general, and not even advantageous to the possessors, and by which the interests of the whole are obviously sacrificed to those of a part of the nation; and the petitioners cannot entertain a doubt that, by laying open to the capital, the skill, and the enterprize of British merchants, those vast regions from which they have been so long excluded, the manufactures of this country will be promoted, its commerce and navigation extended, and the financial and naval resources of the government thereby augmented; and the opening of such a field is certainly at the present conjuncture peculiarly necessary, when the overgrown power of the tyrannical ruler of France excludes this nation from so large a portion of the European continent, and when the natural intercourse with the North American States is for a time interrupted; and that the petitioners are convinced that, under proper regulations, the import as well as the export trade with the countries beyond the Cape of Good Hope may be extended indiscriminately to the ports of the united kingdom, without any risk of the payment of the revenue derived by government from that source being evaded; and, if the latter object can be attained, the extension of the privilege to all his Majesty's subjects who are in a condition to avail themselves of it is certainly most consistent with the liberal policy of the British legislature; and that the petitioners are also firmly persuaded

that, under proper regulations, the merchants of Great Britain and Ireland may be admitted to a free and unfettered commercial intercourse with the provinces of India, without exciting any unfavourable disposition in the natives towards this country, and without any danger whatever to the stability of the provincial government; and, while they cannot but consider as extremely hard the existing enactments, by which foreign nations have been admitted to the benefit of this commercial intercourse, and British subjects excluded, the petitioners humbly suggest the propriety of making such arrangements as may in future secure to the British merchant trading to the British possessions in Asia that protection and reception to which he is justly entitled; and that finally, the petitioners own they cannot perceive that the expenditure incurred by the company in the extension and in the government of the British possessions in the Indian peninsula affords any sufficient ground, in justice or expediency, for continuing to that corporation the monopoly of the trade to China; they have reason to believe that the trade with China, although laid open to all his Majesty's subjects, may be placed on such a footing, and under such regulations, as to prevent any risk of offence by individuals to the government or people of that vast empire; and they are decidedly of opinion, that admission to the Chinese trade is indispensably necessary to enable the British merchant to carry on the trade with the British possessions in Asia with advantage, and with success; and praying the House, in its wisdom, to refuse its sanction to any renewal of the exclusive commercial privileges of the E. I. Company, and to restore to his Majesty's subjects in general their right to carry on, from as many of the ports of the united kingdom as the security of the revenue will permit, a free trade with the British possessions in Asia, and with the other countries situated to the east of the Cape of Good Hope, particularly the empire of China; and farther praying to be heard by counsel in support of this Petition."

A Petition of several merchants, traders, and other inhabitants of the city of Bristol, was also presented and read; setting forth,

"That the petitioners, in contemplation of an intended application to the legislature by the East India Company, for a renewal of their exclusive privilege of trade, and confident in the justice and wisdom of the House, the natural and powerful guardians of the people's right, deem it their indispensable duty thus early to represent to the House, that the full and free right to trade to and with all countries and people in amity with their sovereign, and more particularly with those countries and settlements acquired and maintained by the efforts and valour of the forces of his Majesty, is the undoubted birthright and inheritance of the people of this empire; and that the exclusive privilege of the E. I. Company is a manifest infringement of that right, from which many and great evils have resulted; and that the petitioners further humbly submit to the House, as a sound and incontrovertible principle, that, in this enlightened age, commerce can neither be benefited nor extended by monopoly; and that all ideas of direct participation by the public treasury in behalf of the nation, in the profits of trade, as a compensation or purchase for such monopolised commerce, must and ever will be vain and illusory; and the petitioners humbly adduce the disappointed expectations of the nation and the legislature, in regard to the E. I. Company in complete illustration of this principle; and that the petitioners refer to the information before the House, to show that the trade carried on by the E. I. Company has decreased at the very time when, by British exertions, its field has been extended and itself protected from enemies and hostile rivalry; and that foreigners, by the advantages of free and unfettered exertions, have been at the same time successfully competing with the E. I. Company not only in the trade of the Company's own settlements, but also in the trade to China to a vast amount, whilst such trades have been long and obstinately denied to the subjects of the United Kingdom; and that the petitioners further humbly submit to the House, that the prospect of pecuniary participation held out to the country in 1793, not only has not been realised, but has been converted into repeated claims by the E. I. Company on the public purse and credit; and that further and still greater pecuniary assistance will be required to avert embarrassments in which the E. I. Company must otherwise soon be involved; and that the petitioners rely, with the utmost confidence that the House will disregard

any arguments that may be adduced in favour of the E. I. Company's exclusive privilege, which would, if admitted, apply with equal force against the freedom of any and of every branch of British commerce, the whole of which might thus be paralized by monopoly, as this great arm of our strength has been, to the ruin of our naval greatness, and the consequent downfall of our independence; and that the petitioners beg leave humbly to submit to the House, that of all the effects of monopoly none is so injurious as its confinement of commerce to a particular port, and that the principal out-ports of the United Kingdom have an undoubted right to equal privilege of trade with the port of London, bearing, as they do cheerfully, their full and common proportion of the burthens of the state, and the privations which the unexampled state of Europe has brought upon the trading and manufacturing classes of the community; and that trade, when confined to a single port of a great empire, must of necessity, from being cramped and narrowed, languish and decline; and that great and expensive improvements have, of late years, been made in most of the principal out-ports, with a view to the extension of commerce, and to the accommodation of a larger class of ships; and that the known loyalty, integrity, and opulence of the merchants resident in the out-ports, afford ample security for their care of the vital interests of their country, in respect of its national revenue, which the petitioners, with deference assert, is as diligently and faithfully collected, and as cheerfully paid, in those out-ports as in the port of London; and that the petitioners, however, far from having a wish to deprive the E. I. Company of any right or claim they may have on the justice or liberality of parliament for indemnification, are most anxious that all such claims may be fairly examined and fully and liberally remunerated; but further humbly submit to the House, that the means of such remuneration should arise from a fair and equal impost on the trade in question, and should not be attempted by restrictions which can only serve to shackle and injure commerce, and to harass and perplex the merchant, without any solid benefit to the E. I. Company; and praying, that the House, taking the premises under their consideration, will refuse to comply with any application that may be made by the E. I. Company for a renewal of their exclusive privilege, and will leave the trade to India and China fully and freely open to the enterprize, skill, and capital of the merchants of the United Kingdom, subject only to such salutary laws for its regulation and protection as the legislature, in its wisdom and paternal care, may deem necessary; and that the petitioners may be allowed to be heard, by themselves their counsel and agents, at the bar of the House, in support of the objects of this Petition."

Ordered to lie upon the table.

Petition from Ripon against the Claims of the Roman Catholics.] A Petition of the mayor, burgesses, and commonalty of the borough of Ripon, in the county of York, in common council assembled, was presented and read; setting forth,

"That the petitioners, being fully sensible of the many blessings and advantages which all ranks and degrees of his Majesty's subjects enjoy under the present wise and happy constitution of these kingdoms, as by law established, which allows to all sects and persuasions of men full and free toleration in the exercise of their religious duties; and that the petitioners cannot, without a considerable degree of regret and alarm, behold the attempts which are now making with so much intemperate zeal in a sister kingdom by some of his Majesty's Roman Catholic subjects to pull down those ancient barriers of our constitution, the Test Acts, which upwards of 120 years experience have proved and fully convinced the petitioners are the best and surest guards and security of both civil and religious liberty, and from which epoch they may, with great propriety, date our national freedom, prosperity, and happiness; and the petitioners, therefore, humbly hope and rely on the wisdom of parliament that those great pillars of our constitution will be permitted to stand firm and remain fixed on their present basis, without alteration, to latest posterity, and that the present claims of the Roman Catholics may not be granted."

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Lord *Castlereagh* said, the hon. gentleman could not be more anxious than himself to give effect to the prayer of the Petition.

The Petition was then brought up and read, setting forth,

"That the undersigned owners masters and mates of British merchant vessels, prisoners of war in France, humbly beg leave, in behalf of themselves and fellow prisoners of the same class, to represent to the House the unhappy situation to which they and their families are reduced; and that the greater part of the petitioners have been deprived of their liberty for five six and seven years, some have been even eight years in captivity, during all which time they have received no more from the French government than twenty nine francs and fifteen centimes per month each, and that they have occasionally partaken of the charitable donations remitted from home for the relief of the prisoners in general, but in consequence of the great number of seamen soldiers and others to whom these distributions have been necessarily extended, the total sum received by the petitioners in different payments from the first general distribution in July 1808, and including the last payment on the 25th of November 1811, amounts only to 90 francs, except in cases of illness or particular distress, unless they include those masters captured in vessels under 80 tons register, who receive from this charitable fund a regular allowance of nine francs per month, as they are treated by the French government only as seamen; and that several of the petitioners were prisoners last war in France, and according to an ancient custom received a regular gratuity, said to be queen Anne's bounty, but even this bounty has been withheld from them, except one payment in 1804: under these painful circumstances they have been obliged to draw their chief subsistence from home, from the small resources which they had acquired by their former industry, and which they had hoped to have reserved for the support of their declining years, and for establishing their children in such branches of commerce as might be useful to themselves and country; and that the situation of the greater part of the petitioners, whose resources are now exhausted, is become truly deplorable, and many have been reduced to the necessity of entering into menial service for their present subsistence, not having any longer sufficient means of otherwise providing themselves with lodging clothing firing and other necessaries of life; and that their case is also more peculiarly discouraging, as they are not only without the consolation enjoyed by the prisoners of the royal navy of receiving an additional present support in consideration of their former services, but are obliged, from their diminished resources, to send occasional assistance to their apprentices captured with them; and that having dedicated their lives to a service of such acknowledged importance, both as a source of the public revenues and as a nursery for the royal navy, they humbly hope that the House will be graciously pleased to take their present distress into consideration, and afford them such relief for themselves and families as in their wisdom and goodness the House may deem expedient, until the return of peace or an exchange of prisoners, so ardently and so anxiously desired, shall release them from their long and unexampled detention, and enable them again to provide for their own support."

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tion, the measure which he should now propose might be desirable. The House was acquainted with the improvement in the state of the exchange, from which there was a prospect of an influx of bullion, by which the means of remedying the evils arising from the species of currency under consideration, might be increased. The time which he intended to propose for the operation of his Bill was six months, but the proper occasion for discussing the period would be in the committee on the Bill. He should move that the chairman do report to the House their opinion, that leave be given to bring in a Bill to amend the Local Token Act.

Mr. *Whitbread* said, that six months might possibly be objected to, as at the end of that time the House would not be sitting. The proper time for discussing it, however, would be in the committee on the Bill.

The *Chancellor of the Exchequer* said, that he was unwilling to hold out any probability of a long term being granted, as he was convinced of the mischievousness of the currency in question.

The motion was then put and carried.

Declaration of War with the United States of America.] Lord Castlereagh presented, by command of his royal highness the Prince Regent, the Papers relative to the discussions with America on the subject of the French Decrees and the Orders in Council subsequent to the 20th of May 1812: together with the following

DECLARATION of his Royal Highness the Prince Regent relative to the Causes and Origin of the War with America.

The earnest endeavours of the Prince Regent to preserve the relations of peace and amity with the United States of America having unfortunately failed, his Royal Highness, acting in the name and on the behalf of his Majesty, deems it proper publicly to declare the causes, and origin of the war, in which the government of the United States has compelled him to engage.

No desire of conquest, or other ordinary motive of aggression has been, or can be with any colour of reason, in this case imputed to Great Britain: that her commercial interests were on the side of peace, if war could have been avoided, without the sacrifice of her maritime rights, or without an injurious submission to France, is a truth which the American government will not deny.

His Royal Highness does not however mean to rest on the favourable presumption, to which he is entitled. He is prepared by an exposition of the circumstances which have led to the present war, to show that Great Britain has throughout acted towards the United States of America, with a spirit of amity, forbearance, and conciliation; and to demonstrate the inadmissible nature of those pretensions, which have at length unhappily involved the two countries in war.

It is well known to the world, that it has been the invariable object of the ruler of France, to destroy the power and independence of the British empire, as the chief obstacle to the accomplishment of his ambitious designs.

He first contemplated the possibility of assembling such a naval force in the channel as, combined with a numerous flotilla, should enable him to disembark in England an army sufficient, in his conception, to subjugate this country; and through the conquest of Great Britain he hoped to realize his project of universal empire.

By the adoption of an enlarged and provident system of internal defence, and by the valour of his Majesty's fleets and armies, this design was entirely frustrated; and the naval force of France, after the most signal defeats, was compelled to retire from the ocean.

An attempt was then made to effectuate the same purpose by other means: a system was brought forward, by which the ruler of France hoped to annihilate the commerce of Great Britain, to shake her public credit, and to destroy her revenue; to render useless her maritime superiority, and so to avail himself of his continental ascendancy, as to constitute himself in a great measure the arbiter of the ocean, notwithstanding the destruction of his fleets.

With this view, by the Decree of Berlin, followed by that of Milan, he declared the British territories to be in a state of blockade; and that all commerce, or even correspondence with Great Britain was prohibited. He decreed that every vessel and cargo, which had entered, or was found proceeding to a British port, or which, under any circumstances, had been visited by a British ship of war, should be lawful prize: he declared all British

goods and produce, wherever found, and however acquired, whether coming from the mother country or from her colonies, subject to confiscation: he further declared to be denationalized, the flag of all neutral ships that should be found offending against these his Decrees: and he gave to this project of universal tyranny, the name of the Continental System.

For these attempts to ruin the commerce of Great Britain, by means subversive of the clearest rights of neutral nations, France endeavoured in vain to rest her justification upon the previous conduct of his Majesty's government.

Under circumstances of unparalleled provocation, his Majesty had abstained from any measure, which the ordinary rules of the law of nations did not fully warrant. Never was the maritime superiority of a belligerent over his enemy, more complete and decided. Never was the opposite belligerent so formidably dangerous in his power, and in his policy to the liberties of all other nations. France had already trampled so openly and systematically on the most sacred rights of neutral powers, as might well have justified the placing her out of the pale of civilized nations. Yet in this extreme case, Great Britain had so used her naval ascendancy, that her enemy could find no just cause of complaint: and in order to give to these lawless Decrees the appearance of retaliation, the ruler of France was obliged to advance principles of maritime law unsanctioned by any other authority, than his own arbitrary will.

The pretexts for these Decrees were, first, that Great Britain had exercised the rights of war against private persons, their ships and goods; as if the only object of legitimate hostility on the ocean were the public property of a state, or as if the edicts, and the court of France itself had not at all times enforced this right with peculiar rigour; secondly, that the British orders of blockade, instead of being confined to fortified towns, had, as France asserted, been unlawfully extended to commercial towns and ports, and to the mouths of rivers; and thirdly, that they had been applied to places, and to coasts, which neither were, nor could be actually blockaded. The last of these charges is not founded on fact, whilst the others, even by the admission of the American government, are utterly groundless in point of law.

Against these Decrees, his Majesty protested and appealed; he called upon the United States to assert their own rights, and to vindicate their independence, thus menaced and attacked; and as France had declared, that she would confiscate every vessel, which should touch in Great Britain, or be visited by British ships of war, his Majesty, having previously issued the Order of January 1807, as an act of mitigated retaliation, was at length compelled, by the persevering violence of the enemy, and the continued acquiescence of neutral powers, to revisit, upon France, in a more effectual manner, the measure of her own injustice; by declaring, in an Order in Council, bearing date the 11th of November 1807, that no neutral vessel should proceed to France or to any of the countries from which, in obedience to the dictates of France, British commerce was excluded, without first touching at a port in Great Britain, or her dependencies. At the same time his Majesty intimated his readiness to repeal the Orders in Council, whenever France should rescind her Decrees, and return to the accustomed principles of maritime warfare; and at a subsequent period, as a proof of his Majesty's sincere desire to accommodate, as far as possible, his defensive measures to the convenience of neutral powers, the operation of the Orders in Council was, by an Order issued in April 1809, limited to a blockade of France, and of the countries subjected to her immediate dominion.

Systems of violence, oppression, and tyranny, can never be suppressed, or even checked, if the power against which such injustice is exercised, be debarred from the right of full and adequate retaliation: or, if the measures of the retaliating power, are to be considered as matters of just offence to neutral nations, whilst the measures of original aggression and violence are to be tolerated with indifference, submission, or complacency.

The government of the United States did not fail to remonstrate against the Orders in Council of Great Britain. Although they knew, that these Orders would be revoked, if the Decrees of France which had occasioned them, were repealed, they resolved at the same moment to resist the conduct of both belligerents, instead of requiring France in the first instance to rescind her Decrees. Applying most unjustly the same measure of resentment to the aggressor, and to the party aggrieved, they adopted measures of com-

mercial resistance against both—a system of resistance, which, however varied in the successive Acts of Embargo, Non-Intercourse, or Non-Importation, was evidently unequal in its operation, and principally levelled against the superior commerce, and maritime power of Great Britain.

The same partiality towards France was observable, in their negociations, as in their measures of alleged resistance.

Application was made to both belligerents for a revocation of their respective edicts; but the terms in which they were made, were widely different.

Of France was required a revocation only of the Berlin and Milan Decrees, although many other edicts, grossly violating the neutral commerce of the United States, had been promulgated by that power. No security was demanded, that the Berlin and Milan Decrees, even if revoked, should not under some other form be re-established: and a direct engagement was offered, that upon such revocation, the American government would take part in the war against Great Britain, if Great Britain did not immediately rescind her Orders.—Whereas no corresponding engagement was offered to Great Britain, of whom it was required, not only that the Orders in Council should be repealed, but that no others of a similar nature should be issued, and that the blockade of May 1806, should be also abandoned. This blockade established and enforced according to accustomed practice, had not been objected to by the United States at the time it was issued. Its provisions were on the contrary represented by the American minister resident in London at the time, to have been so framed, as to afford in his judgment, a proof of the friendly disposition of the British cabinet towards the United States.

Great Britain was thus called upon to abandon one of her most important maritime rights; by acknowledging the order of blockade in question, to be one of the edicts, which violated the commerce of the United States, although it had never been so considered in the previous negociations;—and although the President of the United States had recently consented to abrogate the Non-Intercourse Act, on the sole condition of the Orders in Council being revoked; thereby distinctly admitting these Orders to be the only edicts, which fell within the contemplation of the law, under which he acted.

A proposition so hostile to Great Britain could not but be proportionably encouraging to the pretensions of the enemy. As by thus alleging that the blockade of May 1806, was illegal, the American government virtually justified, so far as depended on them, the French Decrees.

After this proposition had been made, the French minister for foreign affairs, if not in concert with that government, at least in conformity with its views, in a dispatch, dated the 5th of August 1810, and addressed to the American minister resident at Paris, stated that the Berlin and Milan Decrees were revoked, and that their operation would cease from the 1st day of November following, provided his Majesty would revoke his Orders in Council, and renounce the new principles of blockade; or that the United States would cause their rights to be respected; meaning thereby, that they would resist the retaliatory measures of Great Britain.

Although the repeal of the French Decrees thus announced was evidently contingent, either on concessions to be made by Great Britain, (concessions to which it was obvious Great Britain could not submit,) or on measures to be adopted by the United States of America; the American President at once considered the repeal as absolute. Under that pretence the Non-Importation Act was strictly enforced against Great Britain, whilst the ships of war, and merchant ships of the enemy were received into the harbours of America.—The American government, assuming the repeal of the French Decrees to be absolute, and effectual, most unjustly required Great Britain, in conformity to her declarations, to revoke her Orders in Council. The British government denied that the repeal, which was announced in the letter of the French minister for foreign affairs, was such as ought to satisfy Great Britain; and in order to ascertain the true character of the measure adopted by France, the government of the United States was called upon to produce the instrument, by which the alleged repeal of the French Decrees had been effected. If these Decrees were really revoked, such an instrument must exist, and no satisfactory reason could be given for withholding it.

At length, on the 21st of May 1812, and not before, the American minister in London did produce a copy, or at least what purported to be a copy of such an instrument.

It professed to bear date the 28th of April 1811, long subsequent to the dispatch of the French minister of foreign affairs of the 5th of August 1810, or even the day named therein, viz. the 1st November following, when the operation of the French Decrees was to cease. This instrument expressly declared that these French Decrees were repealed in consequence of the American legislature having, by their Act of the 1st of March 1811, provided, that British ships and merchandize should be excluded from the ports and harbours of the United States.

By this instrument, the only document produced by America as a repeal of the French Decrees, it appears beyond a possibility of doubt or cavil, that the alleged repeal of the French Decrees was conditional, as Great Britain had asserted; and not absolute or final, as had been maintained by America; that they were not repealed at the time they were stated to be repealed by the American government; that they were not repealed in conformity with a proposition, simultaneously made to both belligerents, but in consequence of a previous act on the part of the American government, in favour of one belligerent, to the prejudice of the other: that the American government having adopted measures restrictive upon the commerce of both belligerents, in consequence of edicts issued by both, rescinded these measures, as they affected that power, which was the aggressor, whilst they put them in full operation against the party aggrieved; although the edicts of both powers continued in force; and lastly, that they excluded the ships of war, belonging to one belligerent, whilst they admitted into their ports and harbours the ships of war belonging to the other, in violation of one of the plainest, and most essential duties of a neutral nation.

Although the instrument thus produced was by no means that general and unqualified revocation of the Berlin and Milan Decrees, which Great Britain had continually demanded, and had a full right to claim; and although this instrument, under all the circumstances of its appearance at that moment, for the first time, was open to the strongest suspicions of its authenticity; yet as the minister of the United States produced it, as purporting to be a copy of the instrument of revocation, the government of Great Britain, desirous of reverting, if possible, to the ancient and accustomed principles of maritime war, determined upon revoking conditionally the Orders in Council. Accordingly in the month of June last, his royal highness the Prince Regent was pleased to declare in council, in the name and on the behalf of his Majesty, that the Orders in Council should be revoked, as far as respected the ships and property of the United States, from the 1st of August following. This revocation was to continue in force provided the government of the United States should, within a time to be limited, repeal their restrictive laws against British commerce. His Majesty's minister in America was expressly ordered to declare to the government of the United States, that "this measure had been adopted by the Prince Regent in the earnest wish and hope, either that the government of France, by further relaxation of its system, might render perseverance on the part of Great Britain in retaliatory measures unnecessary, or if this hope should prove delusive, that his Majesty's government might be enabled, in the absence of all irritating and restrictive regulations on either side, to enter with the government of the United States into amicable explanations, for the purpose of ascertaining whether, if the necessity of retaliatory measures should unfortunately continue to operate, the particular measures to be acted upon by Great Britain, could be rendered more acceptable to the American government, than those hitherto pursued."

In order to provide for the contingency of a declaration of war on the part of the United States, previous to the arrival in America of the said Order of Revocation, instructions were sent to his Majesty's minister plenipotentiary accredited to the United States (the execution of which instructions, in consequence of the discontinuance of Mr. Foster's functions, were at a subsequent period entrusted to admiral sir John Borlase Warren), directing him to propose a cessation of hostilities, should they have commenced; and further to offer a simultaneous repeal of the Orders in Council on the one side, and of the restrictive laws on British ships and commerce on the other.

They were also respectively empowered to acquaint the American government, in reply to any inquiries with respect to the blockade of May 1806, whilst the British government must continue to maintain its legality, "that in point of fact this particular blockade had been discontinued

for a length of time, having been merged in the general retaliatory blockade of the enemy's ports under the Orders in Council, and that his Majesty's government had no intention of recurring to this, or to any other of the blockades of the enemy's ports, founded upon the ordinary and accustomed principles of maritime law, which were in force previous to the Orders in Council, without a new notice to neutral powers in the usual form."

The American government, before they received intimation of the course adopted by the British government, had in fact proceeded to the extreme measure of declaring war, and issuing "Letters of Marque," notwithstanding they were previously in possession of the Report of the French minister for foreign affairs, of the 12th of March, 1812, promulgating anew the Berlin and Milan Decrees, as fundamental laws of the French empire, under the false and extravagant pretext, that the monstrous principles therein contained were to be found in the treaty of Utrecht, and were therefore binding upon all states. From the penalties of this code no nation was to be exempt, which did not accept it, not only as the rule of its own conduct, but as a law, the observance of which, it was also required to enforce upon Great Britain.

In a Manifesto, accompanying their declaration of hostilities, in addition to the former complaints against the Orders in Council, a long list of grievances was brought forward; some trivial in themselves, others which had been mutually adjusted, but none of them such, as were ever before alleged by the American government to be grounds for war.

As if to throw additional obstacles in the way of peace, the American Congress at the same time passed a law, prohibiting all intercourse with Great Britain, of such a tenor, as deprived the executive government, according to the President's own construction of that Act, of all power of restoring the relations of friendly intercourse between the two states, so far at least as concerned their commercial intercourse, until Congress should re-assemble.

The President of the United States has, it is true, since proposed to Great Britain an armistice; not, however, on the admission, that the cause of war hitherto relied on was removed; but on condition, that Great Britain, as a preliminary step, should do away a cause of war, now brought forward as such for the first time; namely, that she should abandon the exercise of her undoubted right of search, to take from American merchant vessels British seamen, the natural-born subjects of his Majesty; and this concession was required upon a mere assurance that laws would be enacted by the legislature of the United States, to prevent such seamen from entering into their service; but independent of the objection to an exclusive reliance on a foreign state, for the conservation of so vital an interest, no explanation was, or could be afforded by the agent who was charged with this overture, either as to the main principles, upon which such laws were to be founded, or as to the provisions which it was proposed they should contain.

This proposition having been objected to, a second proposal was made, again offering an armistice, provided the British government would secretly stipulate to renounce the exercise of this right in a treaty of peace. An immediate and formal abandonment of its exercise, as preliminary to a cessation of hostilities, was not demanded; but his royal highness the Prince Regent was required, in the name and on the behalf of his Majesty, secretly to abandon, what the former overture had proposed to him publicly to concede.

This most offesive proposition was also rejected, being accompanied, as the former had been, by other demands of the most exceptionable nature, and especially of indemnity for all American vessels detained and condemned under the Orders in Council, or under what were termed illegal blockades—a compliance with which demands, exclusive of all other objections, would have amounted to an absolute surrender of the rights, on which those Orders and blockades were founded.

Had the American government been sincere in representing the Orders in Council, as the only subject of difference between Great Britain and the United States, calculated to lead to hostilities; it might have been expected, so soon as the revocation of those Orders had been officially made known to them, that they would have spontaneously recalled their "Letters of Marque," and manifested a disposition immediately to restore the relations of peace and amity between the two powers.

But the conduct of the government of the United States by no means corresponded with such reasonable expectations.

The Order in Council of the 23d of June

being officially communicated in America, the government of the United States saw nothing in the repeal of the Orders in Council, which should of itself restore peace, unless Great Britain were prepared, in the first instance, substantially to relinquish the right of impressing her own seamen, when found on board American merchant ships.

The proposal of an armistice, and of a simultaneous repeal of the restrictive measures on both sides, subsequently made by the commanding officer of his Majesty's naval forces on the American coast, were received in the same hostile spirit by the government of the United States. The suspension of the practice of impressment was insisted upon, in the correspondence which passed on that occasion, as a necessary preliminary to a cessation of hostilities: negociation, it was stated, might take place without any suspension of the exercise of this right, and also without any armistice being concluded; but Great Britain was required previously to agree, without any knowledge of the adequacy of the system which could be substituted, to negociate upon the basis of accepting the legislative regulations of a foreign state, as the sole equivalent for the exercise of a right which she has felt to be essential to the support of her maritime power.

If America, by demanding this preliminary concession, intends to deny the validity of that right, in that denial Great Britain cannot acquiesce; nor will she give countenance to such a pretension, by acceding to its suspension, much less to its abandonment, as a basis on which to treat. If the American government has devised, or conceives it can devise, regulations, which may safely be accepted by Great Britain, as a substitute for the exercise of the right in question, it is for them to bring forward such a plan for consideration. The British government has never attempted to exclude this question from amongst those, on which the two states might have to negociate: it has, on the contrary, uniformly professed its readiness to receive and discuss any proposition on this subject, coming from the American government: it has never asserted any exclusive right, as to the impressment of British seamen from American vessels, which it was not prepared to acknowledge, as appertaining equally to the government of the United States, with respect to American seamen when found on board British merchant ships:—but it cannot, by acceding to such a basis in the first instance, either assume, or admit that to be practicable, which, when attempted on former occasions, has always been found to be attended with great difficulties; such difficulties, as the British Commissioners in 1806 expressly declared, after an attentive consideration of the suggestions brought forward by the Commissioners on the part of America, they were unable to surmount.

Whilst this proposition, transmitted through the British admiral, was pending in America, another communication on the subject of an armistice was unofficially made to the British government in this country. The agent, from whom this proposition was received, acknowledged that he did not consider, that he had any authority himself, to sign an agreement on the part of his government. It was obvious that any stipulations entered into, in consequence of this overture, would have been binding on the British government, whilst the government of the United States would have been free to refuse or accept them, according to the circumstances of the moment: this proposition was therefore necessarily declined.

After this exposition of the circumstances which preceded, and which have followed the declaration of war by the United States, his royal highness the Prince Regent, acting in the name and on the behalf of his Majesty, feels himself called upon to declare the leading principles, by which the conduct of Great Britain has been regulated in the transactions connected with these discussions.

His Royal Highness can never acknowledge any blockade whatsoever to be illegal, which has been duly notified, and is supported by an adequate force, merely upon the ground of its extent, or because the ports or coasts blockaded, are not at the same time invested by land.

His Royal Highness can never admit, that neutral trade with Great Britain can be constituted a public crime, the commission of which can expose the ships of any power whatever to be denationalized.

His Royal Highness can never admit that Great Britain can be debarred of its right of just and necessary retaliation, through the fear of eventually affecting the interest of a neutral.

His Royal Highness can never admit, that in the exercise of the undoubted and hitherto undisputed right of searching

neutral merchant vessels in time of war, the impressment of British seamen, when found therein, can be deemed any violation of a neutral flag. Neither can he admit, that the taking such seamen from on board such vessels, can be considered by any neutral state as a hostile measure, or a justifiable cause of war.

There is no right more clearly established, than the right which a sovereign has to the allegiance of his subjects, more especially in time of war. Their allegiance is no optional duty, which they can decline, and resume at pleasure. It is a call which they are bound to obey: it began with their birth, and can only terminate with their existence.

If a similarity of language and manners may make the exercise of this right more liable to partial mistakes, and occasional abuse, when practised towards vessels of the United States, the same circumstances make it also a right, with the exercise of which, in regard to such vessels, it is more difficult to dispense.

But, if to the practice of the United States, to harbour British seamen, be added their assumed right, to transfer the allegiance of British subjects, and thus to cancel the jurisdiction of their legitimate sovereign, by acts of naturalization and certificates of citizenship, which they pretend to be as valid out of their own territory, as within it, it is obvious that to abandon this ancient right of Great Britain, and to admit these novel pretensions of the United States, would be to expose to danger the very foundation of our maritime strength.

Without entering minutely into the other topics, which have been brought forward by the government of the United States, it may be proper to remark, that whatever the declaration of the United States may have asserted, Great Britain never did demand, that they should force British manufactures into France; and she formally declared her willingness entirely to forego, or modify, in concert with the United States, the system, by which a commercial intercourse with the enemy had been allowed under the protection of licences: provided the United States would act towards her, and towards France, with real impartiality.

The government of America, if the difference between states are not interminable, has as little right to notice the affair of the Chesapeake. The aggression, in this instance, on the part of a British officer, was acknowledged, his conduct was disapproved, and a reparation was regularly tendered by Mr. Foster on the part of his Majesty, and accepted by the government of the United States.

It is not less unwarranted in its allusion to the mission of Mr. Henry; a mission undertaken without the authority, or even knowledge of his Majesty's government, and which Mr. Foster was authorised formally and officially to disavow.

The charge of exciting the Indians to offensive measures against the United States, is equally void of foundation. Before the war began, a policy the most opposite had been uniformly pursued, and proof of this was tendered by Mr. Foster to the American government.

Such are the causes of war which have been put forward by the government of the United States. But the real origin of the present contest will be found in that spirit, which has long unhappily actuated the councils of the United States: their marked partiality in palliating and assisting the aggressive tyranny of France; their systematic endeavours to inflame their people against the defensive measures of Great Britain; their ungenerous conduct towards Spain, the intimate ally of Great Britain; and their unworthy desertion of the cause of other neutral nations. It is through the prevalence of such councils, that America has been associated in policy with France, and committed in war against Great Britain.

And under what conduct on the part of France has the government of the United States thus lent itself to the enemy? The contemptuous violation of the commercial treaty of the year 1800, between France and the United States; the treacherous seizure of all American vessels and cargoes in every harbour subject to the controul of the French arms; the tyrannical principles of the Berlin and Milan Decrees, and the confiscations under them; the subsequent condemnations under the Rambouillet Decree, antedated or concealed to render it the more effectual: the French commercial regulations which render the traffic of the United States with France almost illusory; the burning of their merchant ships at sea, long after the alleged repeal of the French Decrees—all these acts of violence on the part of France produce from the government of the United States, only such complaints as end in acquiescence and submission, or are accompanied by suggestions for

enabling France to give the semblance of a legal form to her usurpations, by converting them into municipal regulations.

This disposition of the government of the United States—this complete subserviency to the ruler of France—this hostile temper towards Great Britain—are evident in almost every page of the official correspondence of the American with the French government.

Against this course of conduct, the real cause of the present war, the Prince Regent solemnly protests. Whilst contending against France, in defence not only of the liberties of Great Britain, but of the world, his Royal Highness was entitled to look for a far different result. From their common origin—from their common interest—from their professed principles of freedom and independence, the United States were the last power in which Great Britain could have expected to find a willing instrument, and abettor of French tyranny.

Disappointed in this his just expectation, the Prince Regent will still pursue the policy, which the British government has so long, and invariably maintained, in repelling injustice, and in supporting the general rights of nations; and, under the favour of Providence, relying on the justice of his cause, and the tried loyalty and firmness of the British nation, his Royal Highness confidently looks forward to a successful issue to the contest, in which he has thus been compelled most reluctantly to engage.

Westminster, Jan. 9, 1813.

HOUSE OF LORDS.

Friday, February 5.

Petitions against the Catholic Claims were presented by marquis Camden from the corporation of Bath; the duke of Rutland from the corporation of Wenlock; the earl of Harewood from Huddersfield; and the earl of Liverpool from Beverley.

EAST INDIA COMPANY'S CHARTER.] Two Petitions against the East India monopoly were presented by lord Grenville from the corporation of Bristol and the merchants and other inhabitants of that city.

Marquis *Wellesley* wished to know about what time it was likely the East India question would be brought under discussion. He did not rise for the purpose of extracting from ministers any information on the topics connected with that question, but it would be desirable to know from his noble friend at the head of the Board of Controul, in what shape it was intended to bring it forward.

The Earl of *Buckinghamshire* stated, that it was impossible for him at the present moment to give a definitive answer to his noble friend's question, as he happened to know from unquestionable authority, that the East India Company had not yet determined whether or not they would petition parliament for a renewal of their charter. Until, therefore, they had come to some decision on that point, it was impossible for government to determine in what shape the question should be brought before parliament. It was, however, of great importance that the subject should be commenced early in the session.

HOUSE OF COMMONS.

Friday, February 5.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS—FROM THE DEAN AND CHAPTER OF EXETER—THE FREEHOLDERS OF OXFORD—FROM SUDBURY—GREAT TORRINGTON—WENLOCK—AND BATH.] A Petition of the dean and chapter of the cathedral church of Exeter, and of the archdeacons and clergy of the diocese of Exeter, was presented and read; setting forth,

"That whilst the petitioners place the firmest reliance on the wisdom of parliament, the lawful guardian of the constitution of their country, they feel it their duty, as ministers of the Protestant Established Church, humbly to offer their sentiments upon the recent claims of the Roman Catholics to a full admission to the highest offices of trust in the state, and to the power of legislation for these Protestant kingdoms; and that the petitioners are the zealous friends of every toleration in religion, which is not inconsistent with the maintenance of one national Church, in full vigour and security; that in the provisions adopted by parliament, at the period of the accession of king William in 1688, the maintenance of the Protestant Church is secured by law, as an essential part of the constitution; and it appears to the petitioners to be attended with the greatest danger to remove those safeguards which our ancestors thus wisely provided, and which the experience of more than a century has confirmed; and that the petitioners have seen with satisfaction the concessions granted by the legislature to the Roman Catholics during

his present Majesty's reign, accompanied as they are with necessary restrictions and securities for the safety of the established Church, but they look with the deepest anxiety to the claims now made for the abrogation of all restrictions by persons who acknowledge the spiritual superiority of the Pope in these realms, and who hold tenets in many respects as inimical to the principles of the English constitution in matters of state as they are subversive of all religious toleration, and utterly inconsistent with the doctrines of the established Church; and praying the House to adopt such measures as will best maintain the Protestant ascendancy in Church and State, and give stability and permanence to the civil and ecclesiastical constitution of the country."

A Petition of the freeholders of the county of Oxford was also presented and read; setting forth,

"That the petitioners have observed, with the deepest concern, the repeated attempts that have been made to break down, repeal, and destroy, all those securities of our civil and religious establishments which we owe to the wisdom and firmness of some of the best of our ancestors, securities not demanded by any occasional or temporary causes only, but founded in principles as immutable as they are wise; and that the petitioners cannot conceive a situation of things more repugnant to the principles of sound policy, than that Roman Catholics should possess the power of framing the laws and of administering the highest offices in the government of a Protestant establishment in Church and State, to the very character and principles of which their tenets are decidedly hostile, nor can they conceive it to be any hardship that Roman Catholics, who exclude all persons except those of their own communion, from any authority or interference whatever in the government of their Church, should be excluded from any share in the government of a Church to which they are not only strangers but adversaries; and that, by the constitution of England, the government of the Church and the State are inseparable, and whoever is admitted into the share of the government of the one, must consequently be intrusted with a share of the government of the other; and that the petitioners have heard, with astonishment, persons contending that no one ought to be excluded from a civil right on account of his religion, when it is a notorious fact that the right even to the crown, the highest civil right in these dominions, was conferred on, and is now enjoyed by, the present royal family, to the exclusion of others more nearly related to it, upon the mere ground of an objection to their religion, and, should it once be established by the legislature that religious opinions are not a sufficient ground of civil incapacity, the petitioners apprehend there can be no pretence whatever afterwards for saying that the crown of these dominions shall not be worn by a Papist; and that the petitioners cannot but observe, that the most strenuous supporters of the claims of the Roman Catholics admit that every attention ought to be paid to the security of our civil and religious establishments, and that effectual measures ought to be adopted for the security of both, but the petitioners also observe, that none of those persons who make these admissions have ever pointed out or suggested the measures they should think effectual for that purpose, from which they cannot but infer the extreme doubtfulness and difficulty, even in the judgment of those persons themselves, or rather, as the petitioners firmly believe, the absolute impracticability of devising such measures; and that the petitioners apprehend, that, if the claims of the Roman Catholics should be acceded to, every other restriction and test must of course be abolished, and that the government of our establishments in Church and State must be thrown open to sects of every denomination, and of the most discordant opinions and principles; and that the petitioners most solemnly declare, that they are not influenced by any wish to restrain the free exercise of religious opinions, and, if possible, still less by any kind or degree of animosity towards their Roman Catholic fellow-subjects, but they are actuated by an honest and firm persuasion that the restrictions now attempted to be abolished have essentially contributed to the preservation of those establishments which have been the source of our prosperity and happiness, and that the abolition of them would inevitably tend to weaken and undermine those establishments, and ultimately lead to the overthrow of the constitution; and praying, that the restrictions by which Roman Catholics are excluded from the power of framing the laws and administering the highest offices in the government of our civil and reli-

gious establishments may not be abolished."

A Petition of the mayor, aldermen, capital burgesses, clergy, and principal inhabitants of the borough and town of Sudbury, Suffolk, was also presented and read; setting forth,

"That the petitioners, ever grateful for those privileges, civil and religious, as also for that internal peace and prosperity which they, in common with the subjects of this country, have enjoyed since the glorious æra of the Revolution, and deeply convinced of the magnitude and importance of those blessings, must ever deprecate, in the strongest manner, the least departure from those principles, the adherence to which alone has raised this country so eminently above all other nations in religious and political freedom; and that the petitioners are, therefore, greatly alarmed by the repeated and incessant attempts that have been made by the Roman Catholics of this united kingdom to obtain the full enjoyment of political power, by procuring the repeal of those statutes which the wisdom of our ancestors enacted for the safety and protection of the Protestant government of this country in Church and State; and praying that those statutes may not be repealed, but that the same may be preserved inviolate, as in their opinion these salutary provisions appear to be still essentially necessary to give permanency and security to our most excellent constitution."

A Petition of the mayor, corporation, and principal inhabitants of the borough and town of Great Torrington, Devon, was also presented and read, setting forth,

"That whilst the petitioners place the firmest reliance on the wisdom of parliament, the lawful guardian of the constitution of their country, they feel it their duty humbly to offer their sentiments upon the recent claims of the Roman Catholics to a full admission to the highest offices of trust in the state, and to the power of legislation for these Protestant kingdoms; and that the petitioners are the zealous friends of every toleration in religion which is not inconsistent with the maintenance of one national Church in full vigour and security, and that in the provisions adopted by parliament at the period of the accession of king William in 1688, the maintenance of the Protestant Church is secured by law as an essential part of the constitution; and it appears to the petitioners to be attended with the greatest danger to remove these safeguards, which our ancestors thus wisely provided, and which the experience of more than a century has confirmed; and that the petitioners have seen with satisfaction the concessions granted by the legislature to the Roman Catholics during his present Majesty's reign, accompanied as they are with necessary restrictions and securities for the safety of the established Church, but they look with the deepest anxiety to the claims now made for the abrogation of all restrictions by persons who acknowledge the spiritual superiority of the Pope in these realms, and who hold tenets in many respects as inimical to the principles of the English constitution in matters of state as they are subversive of all religious toleration, and utterly inconsistent with the doctrines of the established Church; and praying the House to adopt such measures as will best maintain the Protestant ascendancy in Church and State, and give stability and permanence to the civil and ecclesiastical constitution of the country."

A Petition of the bailiff, justices, bailiffs, peers and burgesses of the very ancient borough and liberties of Wenlock, Salop, in common-hall assembled, was also presented and read; setting forth,

"That the petitioners view the present claims of the Roman Catholics of Ireland as unconstitutional, presumptuous, and, if granted to them, dangerous in the extreme to the Protestant establishment; and that their claims are unconstitutional, inasmuch as they insist upon unqualified emancipation, with free admittance to all places of trust, power and authority in the executive government of these kingdoms, without suffering any of those guards and conditions to be applied which might tend to secure from future dangers or encroachments the Protestant establishment; and that they are presumptuous, inasmuch as this would place the Catholics in a far more independent and uncontrouled state than are even the Protestant subjects themselves, who are required, previous to their being admitted to or exercising any office, post or place of honour power trust or authority within these realms, to take the Oaths of Allegiance, and of the King's Supremacy, as also the Oath of Abjuration,

and receive the blessed holy Sacrament, according to the rites of the Church of England as now by law established; and that they may be dangerous, inasmuch as recent events and past experience have taught the petitioners, and the whole tenor of history furnisheth them with many proofs, that no indulgence granted can satisfy Catholic ambition, but that it only tends rather to provoke and strengthen their demands for fresh and future claims and encroachments upon, and thereby manifestly endangers, our invaluable Protestant constitution and government, under which the petitioners enjoy so many and great blessings; and that they do therefore humbly, though earnestly and heartily, pray the House not to grant the Roman Catholics any further indulgences, but to maintain, keep and preserve inviolate, from all further and future encroachments, those truly pure Protestant principles and interests, which placed the august House of Brunswick in the throne of these kingdoms, and for the preservation of which our present most gracious sovereign hath always shewn himself particularly anxious, and upon a very recent occasion proved himself to be most tenderly and paternally solicitous; and that, as far as merely regards the free worship of God, the petitioners would that every obstacle be removed, and that the Roman Catholics should enjoy the most extensive toleration; but they again and again do most humbly beseech the House to guard and watch, with a jealous eye, their inroads and ambitious incroachments made from time to time upon the Protestant establishment, but above all on no account to permit them, either directly or indirectly, to interfere with the legislation of these realms, nor suffer them to fill any judicial situation, nor to have, hold, or exercise any office or place of power, trust, or authority in the empire, nor at any time to have, hold, or exercise any command, either naval or military, in any of his Majesty's fleets or armies."

A Petition of the mayor, aldermen, and common council of the city of Bath, was also presented and read; setting forth,

"That the petitioners beg leave to premise, that they are sincere friends to religious toleration, and would have every sect and society of Christians possess the unrestrained use of divine worship, in such manner as their opinions may dictate, and their consciences approve; and that it is peculiarly incumbent on the petitioners to make this unreserved avowal, as the city over whose civil polity they preside is the general resort of strangers of every description, and in which almost all denominations of Christians have established places of devotion, where they may address themselves to their Creator agreeably to their own form and creed; and that the protection of all in the enjoyment of those valuable privileges which our admirable constitution has allowed them, the petitioners will ever esteem as one of the most sacred duties of their corporate functions, but while they make this just and candid acknowledgment of their tolerant spirit, they must as Protestants, anxious for the preservation of our invaluable constitution, object to the grant of unrestricted powers to persons whose religious tenets would, in their apprehension, endanger those civil and ecclesiastical establishments, the maintenance of which our ancestors so wisely and providently endeavoured to secure; and that, under the mild and equable reign of the present sovereign, many of the restrictions and disabilities which controuled our fellow subjects of the Romish communion have been either totally removed or liberally ameliorated; and the petitioners would humbly submit to the consideration of the House, that the admission of those claims, so long and now so strenuously urged, might be an unsafe, injudicious, and imprudent measure; and praying the House, weighing the danger of concession, maturely to deliberate before they admit persons who maintain principles inimical to the established religion of the realm, and who acknowledge the supremacy of a foreign power, to the unlimited right of enjoying offices of authority and high responsibility."

Ordered to lie on the table.

PETITIONS RESPECTING THE RENEWAL OF THE EAST INDIA COMPANY'S CHARTER —FROM THE MERCHANTS OF EDINBURGH —SHIPBUILDERS OF YARMOUTH—GLASGOW CHAMBER OF COMMERCE — MERCHANTS HOUSE OF GLASGOW—MERCHANTS OF PORT GLASGOW AND NEWARK— BAILIES OF PORT GLASGOW AND NEWARK —MANUFACTURERS OF TAVISTOCK—EAST INDIA COMPANY'S PACKERS—AND EAST INDIA COMPANY'S CLOTH DRAWERS.] A Petition of the company of merchants of Edinburgh, was presented; setting forth,

"That the petitioners being informed

that some arrangements will soon come under the consideration of parliament, with regard to the trade to India, they humbly hope that it will in its wisdom discover good grounds for extending the indulgence that was granted to private traders by the Act of 1793; indeed they would hope that parliament will judge it expedient to place all his Majesty's subjects in the same situation with regard to the trade to the East Indies, as they placed the subjects of all foreign powers who are in amity with Great Britain by the Act of the 37th of his Majesty, and whatever extension of the trade may appear to parliament to be proper to be granted, the petitioners humbly hope, that that extension will not be limited to the port of London, but embrace such other of the ports of the kingdom as to parliament shall seem just, and among others Leith, the port of the metropolis of Scotland; and the petitioners confidently trust, that if such an extension of the trade as has been stated shall be granted, this reasonable indulgence will have the most beneficial effects on the commerce and prosperity of the United Kingdom, without injuring the great and important concerns of the East India Company."

A Petition of several ship-builders of Great Yarmouth, was also presented; setting forth,

"That the petitioners have for some time past observed, with very great regret, that ships and vessels, built within the territories of the East India Company in Asia, have been admitted to registry in Great Britain, and, in consequence thereof, allowed to participate in the carrying trade of this country and its colonies; and that, if Indian-built ships continue to be admitted to British registry, and to participate in the carrying trade of the empire, the most injurious consequences will result to the maritime interests of the nation, and more especially so, when the trade to the East Indies is opened to all his Majesty's subjects; and that the petitioners forbear to press on the attention of the House, by entering into any detail of observations on the impolicy of admitting Indian-built ships to the privileges of British-built ships, not only as affecting the interests of the petitioners, but also the landed commercial and manufacturing interests of the country as well as those of the various classes of persons who are dependent on the building, repairing and equipment of British-built ships; they, however, presume it will be admitted, on an impartial consideration of the subject, that, to encourage the building and equipment of ships in Asia, for the purpose of being employed in the carrying trade of this empire, will be both impolitic and unjust; and that it will be impolitic, as the removal of a manufacture of such importance as the building and equipment of ships from this country to India (a manufacture of more importance than any other) will render precarious the means of maintaining his Majesty's navy, and especially of fitting out with dispatch his Majesty's fleets on pressing emergencies, and will thereby undermine that great bulwark of our independence and greatness as a nation; and secondly, it will be unjust, as many of the stores and materials necessary to the building and equipment of ships in this country are charged with considerable duties, and as the mechanics and other persons employed therein, as well as the petitioners, contribute their proportions of the burthens imposed on the public from the exigencies of the state, to neither of which persons engaged as owners or builders of ships in Asia are subject or liable; and that the petitioners respectfully submit to the House, that, from the heavy taxation of the country, there never was a period when it was so necessary to confine the carrying trade of the country to British-built ships, from the utter inability of the owners of them to enter into a competition with the owners of East India or other foreign ships upon terms at all like equality; and, for these and other reasons, which the petitioners flatter themselves must be obvious to the House, praying, that in future ships built in Asia, and the islands thereto adjacent, may be prohibited by statute from being admitted to registry, and to the privileges of British-built ships."

A Petition of the chamber of commerce and manufactures of Glasgow, was also presented; setting forth,

"That the petitioners, in common with the other commercial bodies of the empire, feel deeply interested in the question now before the House respecting the renewal of the E. I. Company's monopoly, and that in a Petition to the late parliament they stated their ideas upon this subject, showing that confining by a monopoly the trade with the extensive countries to the east of the Cape of Good Hope, had

been no less an infringement of general rights than it had been impolitic as a measure of commerce in having appropriated to the benefit of a few advantages which were the property of all, and impolitic as a measure of commerce, because trade conducted under a monopoly never can prove beneficial to a country in the degree that the same trade would, if left open to the exertion of individual enterprize; and that this principle, considered a fundamental one in political economy, had been strikingly exemplified in the circumstances of the case in question, the trade from the United States of America to the East Indies and China, carried on by individual citizens of those states, had been commenced and prosecuted with a success unexampled in its rapidity of progress during the period in which the trade of the British empire with those countries had been progressively on the decline; and that with regard to the trade to China, a trade carried on with an independent foreign nation, there existed, the petitioners humbly conceived, no plea for giving a monopoly of it to a particular company, or confining it to particular ports, more than might be offered for bringing, under similar restrictions, any other branch of foreign trade at present free, and that no danger, they believed, was to be apprehended to the revenue from opening to the outports the trade with those countries, it being an unquestioned fact that the duties leviable upon other foreign articles, now importable into the outports, have been collected with a fidelity not less successful in productive amount than will be found in the case of those leviable upon similar articles destined for the port of London; and that these principles and facts, with regard to this trade, being as the petitioners believe truly what they have stated them to be, they confidentially trust that the House will not again consent to confine this commerce, either in whole or in part, to a single company, but will open it intire to the nation at large, permitting it to be carried on from all the ports of the United Kingdom, subject to such regulations only as may be considered necessary for the protection of the revenue."

A Petition of the merchants house of Glasgow was also presented; setting forth,

"That the petitioners have, in common with other classes of his Majesty's subjects, been prevented from trading to the countries to the eastward of the Cape of Good Hope, in consequence of charters of monopoly granted to the E. I. Company; and they humbly beg leave to represent that they are by such charters not only individually excluded from a most beneficial commerce, but they are deprived of privileges which they are proud to prize as their birth-right, and which, as no temptation could induce them willingly to relinquish, no payment is sufficient to purchase; and that, besides the manifest injury which such charters have produced on the efforts of individuals, they have necessarily had a similar effect on the national resources, which under a free trade must have become greatly more considerable than while the commerce is restricted and confined; and that the petitioners being convinced that such important truths cannot fail to produce conviction of the impolicy of any monopoly of the trade to India and China, look to the expiration of the present East India charter with the confident hope of seeing a period put to any exclusive trade to these countries, and a wide field thus laid open to the capital, skill, and industry, of British merchants and manufacturers; and that, in this confident hope and expectation, the petitioners humbly pray that no monopoly be granted of the commerce and navigation to the countries eastward of the Cape of Good Hope, but that the trade may be free and open, in the same manner as other branches of commerce, not only to the port of London, but to other ports of Great Britain and Ireland."

A Petition of several merchants, traders, and manufacturers of Port Glasgow and Newark, was also presented; setting forth,

"That the petitioners with regret have observed, in the hon. E. I. Company, a continuance of the spirit of monopolizing the commerce of India, China, and the other countries to the eastward of the Cape of Good Hope, which it has too long held, as the petitioners conceive, to their prejudice, and that of the other ports and towns of the United Kingdom; and that the petitioners respectfully advance, along with their fellow subjects of the empire, their claim to a participation of a free trade with those countries, and right to oppose any farther exclusive monopoly, either to that Company, or any other company or body whatever; and that this

claim of the petitioners they do humbly conceive to be their right in equity, as a portion of subjects supporting the empire at large; and that they are entitled to an equality of privileges in trade and the commercial pursuits of its subjects, whence that support does in a great measure arise, and on which it depends; and that at any time, but particularly when the burdens and pressure of war, under the existing situation of the continent of Europe, and another unavoidable war with the American states, the petitioners do now humbly set forth their opposition to a monopoly, as an unjust clog to the freedom of the subject, and that spirit in the trader and manufacturer which is so necessary to the general welfare, and ought to be cherished as a most material principle of the British constitution, not merely in point of the subject's freedom, but as essential to its vital strength and support; and that the petitioners conceive their claim to be equally founded in policy as in justice, but they humbly contend for the right to be unrestricted; and that the port of London, more than the Company itself, has no title to an exclusive possession, which, if acceded to by the House, would render fruitless any grant or permission of the free trade contended for; and that the petitioners consider it only farther necessary to observe to the House, that the duties are as faithfully levied and paid, and smuggling at least as much restrained at the port of Port Glasgow as that of the metropolis itself; and praying, that no farther exclusion be given, either to the E. I. Company or the port of London, but that the House will, in wisdom and sound policy, take such effectual measures as may open and allow a free trade to the petitioners, and the other subjects of the empire, with the countries in question, under such equal constraints for securing his Majesty's duties, as to the House shall appear just."

A Petition of the bailies and trustees of Port Glasgow and Newark, was also presented; setting forth,

"That the House being about to take into consideration what measures ought to be adopted for regulating the future commerce of this kingdom with the countries east of the Cape of Good Hope and west of Cape Horn, and the petitioners, understanding that it is pretended that the House is precluded, by the supposed chartered privileges of the E. I. Company, from laying down such an arrangement as upon the whole may appear the most just and expedient, the petitioners beg leave again to address themselves to parliament, and to state to the House, that they humbly conceive all others of his Majesty's subjects in this kingdom to be in justice equally entitled with the E. I. Company to a free commercial intercourse with all parts of the world, and that in sound policy, they ought not to be debarred a freedom in that respect which in all other cases is obviously to the advantage of the revenue, and to the increase of the common strength of the empire; beside, the petitioners do humbly contend for that freedom as their birth-right, unalienable by any charter to a particular or excluding company beyond at least its current term, but which expediency also does now require to be suffered to expire for ever, and the trade to India, China, and all quarters, to be thrown open to the British subject without other restraint than what may be deemed necessary by the legislature upon the principle of equality; and that, in the present state of the world, and the distress felt by the manufacturers and merchants labouring under many hardships, the petitioners consider the privilege contended for to be the more necessary; and that the House will not hearken to the idle and most obviously ridiculous and affected fears expressed by that Company of danger to the revenue of the empire, and of unfavourable excitements being raised in the minds of the natives of those foreign countries against either that Company's territorial government or the British interest in general; what has raised this great empire to the ability of contending with the tyrant of Europe, and those states which basely submit to the dictates of his ambition? what has made her mistress of the seas, and the protector of the liberty of the world? what, but the mercantile, trading, and manufacturing spirit and adventure of those who have for ages engaged in them and brought their respective branches to an unexampled degree of perfection, when by wise laws, unfettered with excluding and impolitic privileges, holding intercourse with every other nation successfully, making British faith and honour proverbial; and that as to an extension of the trade to the out-ports, the petitioners do humbly insist, that, with respect to their own port, the interest of the revenue is as well guarded and secured as

at that of the metropolis; and therefore, without departing from the general claim of other ports, they do, with submission, lay before the House a specific claim in favour of the port of Port Glasgow to the privilege in question, a port of no small consideration in the state either as to trade or revenue; and praying the House to suffer the present commercial charter of the E. I. Company to expire, to refuse all farther exclusive privileges in trade to the countries in question to any company or individual whatever, and to equalize the whole subjects of the United kingdom in their commercial pursuits to those territories, China included, and to grant, should there be in its wisdom any exception made, to the port of Port Glasgow, the privilege of such free and unfettered intercourse and trade; and the petitioners pray to be heard, by counsel, in support of their Petition."

A Petition of the manufacturers of long ells, in the borough of Tavistock, Devon, was also presented and read; setting forth,

"That it is with regret the petitioners see the opposition made in various parts of the United Kingdom to the renewal of the E. I. Company's charter, as they are satisfied that the woollen trade in general, and the exportation of long ells to China in particular, in which they are most deeply concerned, cannot be carried on with so much regularity by any channel as through the medium of the E. I. Company; and that, although the petitioners deprecate monopoly in general, yet they are convinced that the trade to China, being confined to the E. I. Company, will ultimately tend to the benefit of the petitioners, and to all persons concerned in the woollen trade; and that although it is possible, if the trade to China is laid open, it may enable speculators for a short time to increase their exports, not ultimately, as in the case of South America, the markets being glutted, their purchases will be suspended, by which means many manufacturers will be ruined, and the labourers thrown suddenly out of employ, all which is now happily avoided by the regularity of the orders from the E. I. Company, and the punctuality of their payments; and the petitioners therefore submit, that the E. I. Company, enjoying an exclusive trade to India, is essential to the security of their trade to China, and that such trade, being continued exclusively by them, and the imports of all goods from India being confined to the port of London, will be highly advantageous to the prosperity of the kingdom at large, as well as to the petitioners and other manufacturers of long ells."

A Petition of several packers employed by the E. I. Company in their woollen department, was also presented; setting forth,

"That the Prince Regent, having, in his Speech from the throne, recommended immediate attention to be paid to the approaching expiration of the charter of the E. I. Company, which rendered it necessary that he should call the early attention of the House to the propriety of effectually providing for the future government of the provinces in India, the petitioners do again humbly present themselves before the House, to state that they, together with all others engaged in the woollen trade, feel most sensibly the distressed situation of the commercial interest of the country, not only as a subject of sympathy, but by its pressure upon that branch in which they are immediately concerned; and that, as tradesmen employed by the E. I. Company, they are obliged to serve a regular apprenticeship, and to possess other qualifications, in order to make them competent to be elected into their service; and that one of the requisite qualifications is possession of warehouses and premises sufficiently convenient and extensive to carry on the packing business of the Company; and that such premises and establishments are now very valuable, but, in the event of the removal of the Company's business to the out-ports, this property would be very greatly deteriorated in common with other freehold and leasehold property in London; and that the removal of the India trade from the metropolis, after the great length of time it has been established, would be attended with many serious evils, one of which is the depriving thousands of persons of a comfortable subsistence; and that, if this deprecated event were to take place, its effect would be only to transfer the India trade from one set of men to another, without the smallest advantage to the interests of the nation at large; and that the confidence reposed in the petitioners by the Company is great, as will appear when it is considered that the value of the woollen manufactures coming under their final care till ready for shipping amounts to one

million sterling per annum; and that great economy is practised by the Company in the preparation and packing of the woollens; they are in the habit of delivering out the goods in the raw state, week by week, from the month of February till the month of October; this system gives constant and regular employment to the various branches of trade concerned, and, together with the certain punctual payment at stipulated periods, renders the employment valuable to the petitioners; and that such has been the conduct and care of the Company's servants in this branch, and such the excellent regulations laid down by the Company, that a serious complaint from abroad is unknown, and the Company's mark and seal still continue to be received with perfect confidence throughout the whole extent of their great acquisitions in India, as well as the more extensive empire of China; and that every market has been tried, and every invention exerted, to increase the consumption of woollens, particularly in India proper, but the few wants of the natives, their pecuniary incapacity to purchase, together with their different castes, religion, and climate, form a barrier hitherto insurmountable; and that the China market has at all times been fully supplied to the extent of the indent required; but such is the spirit of speculation, such the rage for adventure, that, notwithstanding the very dreadful events and failures which have recently taken place in consequence of the immense export of goods to South America, it cannot be doubted that new speculators would arise, perhaps so totally ignorant of the trade as to overwhelm the market with goods, thereby producing ruin not only to themselves but also to the steady, moderate, and (to the country) advantageous trade of the E. I. Company, and, in consequence, to the petitioners in common with the almost incalculable number of persons employed by the said Company; and praying, that the various petitions presented to the House against the renewal of the E. I. Company's charter, and for the opening of the trade to India and China, may not be granted."

A Petition of the clothdrawers in the employ of the E. I. Company was also presented; setting forth,

"That the petitioners observe, with the most serious concern, the great efforts making in various parts of the kingdom to lay open the trade to India and China, a measure that would certainly be attended with the most ruinous consequences to the petitioners, and the numerous classes of tradesmen having establishments under the said Company; and that the petitioners, with humble submission, beg leave to draw the attention of the House to the present state of the fine cloth trade to Turkey, which, when confined to the management and wise regulations of the Turkey company, was nearly equal to the present exports of fine cloth to China; but experience shews the fatal consequences of that trade being laid open: it is lost to the country; as a bale of cloth is rarely exported from any part of the kingdom to Turkey; and that the petitioners are confident that the same ruinous speculations which have lost the Turkey cloth trade to this country would be the consequence of an open trade to India; and praying the House to adopt such regulations as will secure the continuance of the exports of woollens to India and China to the E. I. Co., under whose wise management and experience it has been brought to its present state of prosperity, so greatly beneficial to the country at large."

Ordered to lie upon the table.

HOUSE OF LORDS.

Monday, February 8.

A Petition against the Catholic Claims was presented from the dean and chapter of Carlisle. A similar Petition from Chester was presented by the bishop of Chester, who also presented one from the magistrates, clergy, and inhabitants, of Bolton le Moors, in Lancashire, which his lordship stated to be signed by 6,000 persons, amongst whom were several dissenting ministers, and one from the archdeacon and clergy of Winchester. A Petition to the same effect from the gentry, clergy, and freeholders, of the county of Flint, was presented by lord Kenyon, who stated that it had been agreed upon at a numerous county meeting nearly unanimously, only two persons dissenting from it, and that it was signed by 4,000 persons. His lordship also presented a similar Petition from the aldermen, burgesses, and inhabitants of the borough of Flint; a Petition to the same effect from the corporation and inhabitants of St. Albans was also presented by viscount Grimston; and a similar Petition from certain freeholders and inhabitants of the county of Oxford,

by the bishop of Oxford. These several Petitions were read and ordered to lie on the table.

HOUSE OF COMMONS.

Monday, February 8.

PETITIONS RESPECTING THE RENEWAL OF THE EAST INDIA COMPANY'S CHARTER—FROM CREDITON—TIVERTON—GREENOCK—DUMFRIES—LIVERPOOL—MONTROSE—AND SCARBOROUGH.] A Petition of the manufacturers of long ells and other inhabitants of Crediton, Devon, was presented; setting forth,

"That the petitioners are materially interested in the E. I. Co.'s export of woollens to China, inasmuch as the staple manufacture of the town of Crediton and its neighbourhood consists of an article for the China market, denominated long ells, which gives employment to the great bulk of the labouring poor, and consumes a large proportion of the growth of wools, and this at a time when the channels of trade continue to be so generally obstructed, that the usual exports of woollens from the western counties are nearly annihilated; and that the E. I. Co. have been long and assiduously endeavouring to establish and increase a permanent system of export in woollens to China, that they have at length succeeded, and established a mode of purchasing, finishing, and exporting their goods so regular and economical, that insures to them a constant supply of the best quality on the lowest terms, and to the manufacturers those steady sales which are so essentially necessary for the employment of multitudes of labourers, whose existence must otherwise be dependent on the scanty pittance of parochial relief; and that the petitioners are alarmed at the attempts now making to deprive the E. I. Co. of the exclusive trade to China, being convinced that no extension of our exports is to be expected from such a measure, but that, on the contrary, the very existence of the China trade would be endangered thereby, the jealous and peculiar character of the Chinese government reqiring all that systematic regularity and caution which the Company and their resident agents are from long habit enabled to practise; and that should it even be proposed to continue with the E. I. Co. the exclusive privilege of trading to and from China, but to permit to the outports a free import trade with India, the petitioners conceive that measure would ultimately, but surely lead to the destruction of the regular China trade, by opening such extensive channels to smuggling teas and other articles, as no financial regulations could possibly counteract, the duty of about 95 per cent. on teas, and from 36 to 70 per cent. on manufactured goods, being stimulants to a contraband trade, too powerful to be successfully resisted; and that the petitioners entertain the most serious apprehensions, that this measure, if sanctioned by the legislature, will assuredly tend to the destruction of the E. I. Co.'s China trade, of a most extensive and beneficial branch of the staple manufacture of this kingdom, and to the deterioration of the expensive buildings and machinery erected purposely for its use, thereby occasioning the ruin of many industrious families, and depriving thousands of the labouring poor of their means of subsistence; and that the petitioners are fully aware of the specious reasoning which will be made use of to induce the legislature to concur in the measure of opening the India trade, but they are convinced that no lasting increase of that trade would be obtained thereby, the Company and the private merchants at present engaged therein being already in the habit of furnishing the Asiatic markets with European goods, and the European markets with Asiatic productions, to the full extent of their consumption, a fact which appears to be sufficiently proved by the very small proportion of the tonnage appropriated to the private trade which has been taken up by our merchants; and the petitioners have moreover to remark, that the odium of monopoly, so loudly inveighed against, does not strictly apply to the E. I. Co., because not only every subject of the united kingdom may participate in their trade, and even become eligible to the directorship, by purchasing a portion of its stock, but each individual merchant is, under the regulations already existing, at liberty to embark in the E. India trade, and to use the Company's ships for the export and import of his goods; and that, on an attentive review of this important subject, the petitioners are fully impressed with the belief, that opening the trade to India and China to individual speculation would not only endanger its prosperity but its very existence; and praying the House not to sanction so hazardous an experiment as that of risking a trade, the source of

such extensive benefits to the agricultural and manufacturing interests of the kingdom, and of a net annual revenue to the state of nearly four millions sterling; and praying, that the trade to China may, on the renewal of their charter, be continued exclusively to the E. I. Co., and that the imports from India may be confined to the port of London."

A Petition of the inhabitants of Tiverton, Devon, was also presented; setting forth,

"That the renewal of the charter to the E. I. Co. for an exclusive trade to China, and the means of preserving it unmolested, is of vital importance to the interests of the town of Tiverton, which, during some years past, has had very little of other employ for its numerous labourers but the manufacturing an article called long ells for the E. I. Co.; and that, previous to the war, there was a considerable commerce from that town to different parts of Europe, which consumed the wool grown within many miles of it, and gave full employ to the labourers, but since that time there has been no demand for the usual sorts of woollen goods, and, but for the orders given by the Company for long ells, the labourers, with their families, must have been reduced to depend on parochial relief, and the establishments in the town have remained idle; and that the E. I. Co. have been long and assiduously endeavouring to establish and increase a permanent system of export in woollens to China; that they have made great sacrifices, and incurred heavy losses, for the attainment of these objects; that they have at length succeeded, and established a system for purchasing, finishing, and exporting their goods, so regular and economical, that it insures to them a constant supply of the best quality on the lowest terms, and to the manufacturers those steady sales which are so essentially necessary for the employment of their labourers; and that the petitioners are alarmed at the attempts now making to deprive the E. I. Co. of the exclusive trade to China, being convinced that no extension of our exports is to be expected from such a measure, but that, on the contrary, the very existence of the China trade would be endangered thereby, the jealous and peculiar character of the Chinese government requiring all that systematic regularity and caution which the Company and their resident agents are from long habit enabled to practise; and that, should the trade to China be thrown open, even should this much-to-be-feared event not take place, as it is a well-ascertained fact that the company without a competition cannot get a price for the long ells at Canton that will leave a profit, the petitioners cannot expect, when there are rivals in the market, the Chinese will give as much as they do at present, or, even if they did, that individuals would export goods for public benefit only; the result must therefore be, in either case, the destruction of the almost only remaining woollen trade in the western counties; and that, should it even be proposed to continue with the E. I. Co, the exclusive privilege of trading to and from China, but to permit to the outports a free import trade from India, the petitioners conceive that measure would ultimately, but surely, lead to the destruction of the regular China trade, by opening such extensive channels to smuggling teas, and other articles, as no financial regulations could possibly counteract, the duty of about 95 per cent. on teas, and from 36 to 70 per cent. on manufactured goods, being stimulants to a contraband trade too powerful to be successfully resisted; and that the petitioners entertain the most serious apprehensions that this measure, if sanctioned by the legislature, will assuredly tend to the destruction of the E. I. Company's China trade, of a most extensive and beneficial branch of the staple manufacture of this kingdom, and to the deterioration of the expensive buildings and machinery erected purposely for its use, thereby occasioning the ruin of very many industrious families, and depriving thousands of labouring poor of their means of subsistence; and that the petitioners are fully aware of the specious reasoning which has been and will be made use of to induce the legislature to concur in the measure of opening the India trade, but they are convinced that no lasting increase of that trade would be obtained thereby, the Company and the private merchants at present engaged therein being already in the habit of furnishing the Asiatic markets with European goods, and the European market with Asiatic productions, to the full extent of their consumption, a fact which appears sufficiently proved by the very small proportion of the tonnage appropriated to the private trade, which has been taken up by our private merchants; and that, on the most atten-

tive review of this important subject, the petitioners are fully impressed with the belief that opening the trade to India and China to individual speculation, would not only endanger its prosperity but its existence; and praying the House not to sanction so hazardous an experiment as that of risking a trade the source of such extensive benefits to the agricultural and manufacturing interests of this kingdom, and of a net annual revenue to the state of nearly four millions sterling, and that the trade to China may, on the renewal of their charter, be continued exclusively to the E. I. Company, and that the imports from India may be confined to the port of London."

A Petition of several merchants, ship-owners, and manufacturers of Greenock, was also presented; setting forth,

"That the petitioners laid before the last parliament a Memorial praying for a participation in the trade to the eastward of the Cape of Good Hope and westward of Cape Horn on the approaching termination of the Charter of the E. I. C.; and that, in consequence of the dissolution of that parliament, the petitioners now humbly address themselves to the House, praying for a full and free participation in all the trade of the East within the limits of the Company's Charter, subject only to such restrictions, on the part of his Majesty's government, as may be necessary for the political safety of India, and for the due collection of his Majesty's revenue; and that whatever tends to increase the foreign trade of a country, the great nursery for seamen, goes to benefit the nation at large; and that the opening a direct communication between India and the out-ports of this kingdom must produce a great increase of trade, and consequently add to the number of persons required to carry it on; and that, since the petitioners had the honour first to bring this important question into public notice, the subject has been laid fully before the country; and that the impolicy and injustice of a renewal of the monopoly have been established by so many irresistible arguments, that the petitioners do not consider it necessary to trespass farther on the patience of the House, though much might still be said on the subject; and that the petitioners will therefore conclude by expressing their confident hope that the House will not suffer the voice of the nation to be stifled by the hollow pretensions of interested individuals, but that they will grant the prayer of this Petition by allowing a participation in those rights and privileges to which all British subjects have an equal and undoubted claim."

A Petition of the provost, baillies, and councillors of the royal borough of Dumfries, was also presented; setting forth,

"That the petitioners submitted to the consideration of the last parliament a humble Memorial and Petition, stating in general, that the Charters granted by parliament at different periods to the E. I. C. were highly oppressive and injurious to the other subjects of his Majesty, in as far as while they conferred on that Company extensive powers and privileges, they limited the capital and commercial speculations of those other subjects, who were restricted from interfering with that Company under severe pains and penalties, which appeared to the petitioners an impolitic if not an invidious distinction; and that the flags of other nations in amity with Great Britain have been permitted to exercise an extensive freedom of commerce without any such limitations or restrictions; and that, from these and many other considerations, the petitioners conceived that a renewal of the Charter would be only a continuance of the degradation to the commercial spirit of the nation; and they prayed, that parliament in its wisdom and justice, would adopt such measures as should give to all his Majesty's subjects at least a participation of the trade and commerce to the East Indies and to China; and that the petitioners, understanding that a renewal of the Charter is again become the subject of discussion in the House, now presume humbly but constitutionally again to offer their sentiments against such renewal for many reasons, and particularly because the powers and privileges heretofore vested in the E. I. Co. appear to them to be in direct opposition to every principle of justice and policy; and that these privileges have been allowed to foreign states while his Majesty's subjects in general have been excluded from the enjoyment of any part of them, and as it now appears, in the case of the United States of America, these privileges have contributed to relax the resources of this country, and strengthen those of the enemy; and that they are calculated to repress the energies and to interfere with the title of all British merchants to judge what is

best for their own interest; and that, at a time when it is of the utmost importance to secure the peace of the community, by affording full work and fair wages to the operative classes, when, from the want of sufficient vent, the skill and industry of the manufacturers are inadequately occupied, and consequently a part of the population remains unemployed, when the prosecution of an expensive war renders it necessary to adopt every means for augmenting the revenue, and when the honour, prosperity, and independence of this nation depends so much on the maintenance of its naval superiority by encouraging a nursery for seamen, which the trade to India and China is in an eminent degree calculated to promote, it becomes not only highly expedient but indispensibly requisite to open every legitimate channel of commerce for the preservation not only of internal security, but for the prosecution of our mercantile, maritime, and financial interests; and praying, that no exclusive grant may be given to the trade with the countries to the eastward of the Cape of Good Hope, or any part thereof, that this commerce may not be confined to any particular port of the kingdom, but that the House will, in its wisdom, adopt such measures as will restore and secure to his Majesty's subjects those just rights and equal privileges to which they possess an unquestionable right, and which are so obviously calculated to promote the peace, welfare, and interest of the country at large."

A Petition of several merchants, shipowners, tradesmen, and other inhabitants of Liverpool, was also presented; setting forth,

"That the petitioners view, with the most serious attention and the deepest anxiety, the approaching period when the exclusive privileges so long granted to the E. I. Co. will terminate, conceiving, in common with the rest of his Majesty's subjects, that their general interests are most importantly connected with the measures which the legislature may then adopt; and that experience has demonstrated that neither the commercial interests of the nation, nor those of the Company itself, have been promoted by the monopolies which have been hitherto granted, and so frequently renewed; and that the circumstances of great embarrassment in which the affairs of the Company have so often and so recently been placed, and the loans which they have obtained from government, are strong evidences to this effect, well known to the House, and contemplated with apprehension and regret by the nation at large; and that, while the merchants of the United Kingdom were virtually excluded from the eastern trade, they have seen a very large portion of it yielded up to foreign nations, from a deficiency either in the capital or in the energy and enterprize of the Company; and that the most important productions of India and China have been forced upon the country at prices far exceeding those at which they could be supplied from the fair competition of the private merchants, were the trade so laid open as to admit of their embarking in it; and that the forms restrictions difficulties and delays, the unnecessary detentions and heavy expences, to which the limited private export trade (hitherto permitted from London to India) has been subjected, have rendered it nugatory to the merchants and manufacturers of the kingdom at large, vexatious and precarious even to those of London, and unproductive therefore of the national benefits contemplated by the legislature when the measure was adopted; and that again to confine the whole or any part of the trade to the Company or to the port of London, would they humbly conceive, be most injurious to the rights and interests of the kingdom generally, for, as all equally contribute to the support of the state, so all are in justice entitled to participate in every branch of its commerce; and that the national advantages attendant upon a general opening of the trade are great and manifest, inasmuch as it would give a new and requisite field for the industry and ingenuity of our manufacturers, the enterprise of our merchants, the employment of numerous vessels now dismantled in our harbours, and thousands of our people, who, from the state of our foreign relations, are at present suffering the many privations necessarily occasioned by the want of employ; and that it would also strengthen the maritime power of the nation, our best defence and surest barrier against the aggressions of our enemies, by furnishing it with an additional nursery for its seamen, and would augment our resources by an additional revenue; and that the petitioners beg to state that, should the export trade be permitted from the out-ports, while the import trade is confined to London, they

humbly conceive it will not only be an act of injustice in itself, but productive to them of injury rather than of benefit; that the management of their shipping, and the sale of their goods, would by such a regulation be necessarily placed in the hands of agents resident in London, would be taken from under their own superintendence, and incumbered with heavy commissions and charges, from which the London merchant would be exempt; that the out-port shipping, when unloaded, must either be removed to their several ports at a heavy extra expence, or repaired and again fitted out from London, to the manifest injury and loss of the tradesmen and inhabitants generally of the places to which they might respectively belong: that the only means by which the merchants of the out-ports could free themselves from this great and oppressive disadvantage would be by fixing their establishments in London, a measure which would in fact wholly deprive their respective towns of a participation in the benefits of the trade, whilst the manufacturers would find their goods loaded with the heavy additional charges attending the transportation of them to London, and the kingdom at large be taxed with similar charges in bringing the productions of the East from London to the places of consumption and manufacture; and that the E. I. Co., continuing to trade as a body of merchants, would still have a considerable advantage, from their previous knowledge of the trade, and their existing establishments both at home and abroad; and that the port of London would still retain in her trade to the East that same preponderance which, by the wealth, the enterprize, and the influence of her merchants, the magnitude of her consumption, and the advantages of her situation, she is enabled to enjoy in every other branch of our national commerce; and that, from the existing and practicable regulations at the principal out-ports the petitioners feel confident that no difficulty whatever would be experienced either in the collection of the revenue, or the prevention of smuggling; and that all representations to the contrary are only attempts to place an odium upon the out-ports, and create an unjust and unmerited prejudice against them; and that the experience derived from the trade carried on with India and China by the United States enables the petitioners to assert that no danger is to be apprehended from the conduct of the crews of private vessels, as it is generally admitted that the crews of the American ships, though not even subject to any local controul created by their own government, have on all occasions conducted themselves without giving offence or receiving interruption; the crews of private vessels also being in proportion to their tonnage less numerous, their conduct is more easily watched, and their irregularities prevented; but that, as a farther security, the British ships may be placed under the direction of proper officers, who, at the same time superintending the shipment of the cargo at the different ports and places, would be enabled to furnish such manifests as would increase the difficulty of smuggling, and the consequent protection of the revenue; and that the petitioners humbly conceive that less jealousy is to be apprehended from the Chinese government, should the trade be opened to the shipping of the United Kingdom, than when confined to the large and warlike vessels of the Company, the apparent property of a trading body, who are likewise powerful neighbouring sovereigns; but experience also evinces that the government of China is more attentive to the advantages derived from foreign commerce, than to the consideration of the question by whom that commerce is conducted; and that, in the event of the trade being opened, the petitioners repose implicit confidence in the House for forming such laws and regulations to controul the conduct of those merchants, traders, and others, whose concerns will require their residence in the different parts of the Indian empire, as may protect them from all oppression or undue interference in the peaceful pursuit of their commercial objects, and at the same time prevent them from attempting to disturb or oppose the existing lawful authorities, or by any improper means to hazard an encroachment on the known habits and prejudices of the people of India; and that the petitioners therefore, reposing entire confidence in the wisdom and justice of the House, do most humbly pray, that the exclusive privileges of the E. I. Co. to trade with the countries to the eastward of the Cape of Good Hope may not be renewed in whole or in part, but that such measures may be adopted as will secure to the merchants ship owners manufacturers and traders of the United Kingdom a free trade with all the countries so situated, subject only to such regu-

lations as may be necessary for the political safety of India, and the protection of his Majesty's revenue."

A Petition of the trustees of the Liverpool Docks, was also presented; setting forth,

"That the port of Liverpool has, in the course of little more than a century, from its peculiar local advantages, and by the enterprising spirit of its inhabitants, raised itself from the situation of an humble fishing town to the distinguished rank and importance of the second port in the kingdom; and that the petitioners, whose province it is to provide and maintain the requisite accommodation for the shipping resorting to that port, have, at various times, under the authority of the legislature, and as the increase of the trade demanded, erected extensive docks and other conveniences for the shipping interests of the town, and that, urged by the merchants at large three years ago, when their trade was in great prosperity, the petitioners lately obtained from parliament powers for the further improvement of the port, and that in consideration, not only of the existing want of accommodation in the docks for general purposes, but anticipating also the period when the rights of the merchants and traders of Liverpool, in common with all other his Majesty's subjects, to a free trade with the East Indies would be recognized, the petitioners have commenced various works upon an extensive scale calculated to meet the vast accession of trade which, as they humbly conceive, would be the result of such a system; and that the petitioners therefore, anxious for the prosperity of the important trusts committed to them, and confiding in the justice of the House, most humbly intreat that they will adopt such measures as to their wisdom shall seem best for obtaining to the port of Liverpool, as well as to the rest of the United Kingdom, a participation of the trade with our eastern possessions hitherto solely enjoyed by the East India Company."

A Petition of the mayor, bailiffs, and burgesses, of Liverpool, in council assembled, was also presented; setting forth,

"That the petitioners conceive that the subjects of these realms possess an inherent right to a free intercourse of trade with all other nations and countries in amity with this, subject only to such regulations as may be necessary for preserving a good understanding with those countries, and for securing to our own the revenues derivable from such intercourse; and that the monopoly of the E. I. Company, however expedient or necessary at the period of their first charter, is, as the petitioners humbly conceive, in the present state of commerce and of the world, no longer so, and it is moreover inconsistent with those principles which are universally admitted to be essential to the prosperity of commerce; and that every other nation of Europe being, by the signal success of his Majesty's arms, deprived of all territory and influence in the East Indies, as well as of all means of annoyance to the navigation of those seas, an ample field is now open for the exertion of British skill and enterprize, and for the investment of that capital which is rendered in a great measure useless in those channels of trade where it has heretofore been employed; and that the petitioners, as the guardians of the interests of the town of Liverpool, while they lament the distressing suspension of its commerce at this juncture, cannot but indulge a sanguine hope that the æra is arrived which presents to the merchants and traders of Liverpool in common with those of every part of the British empire, new and brighter prospects in the participation of a traffic from which they have hitherto been excluded; and that the petitioners disclaim any wish to interfere with the rights of the E. I. Company, which they apprehend may be maintained inviolate without the continuation of a system that infringes the privileges of others; and that the petitioners therefore reposing entire confidence in the wisdom and justice of the House, humbly intreat that they will be pleased to adopt such measures as may secure to the merchants of the port of Liverpool the advantages of a free trade beyond the Cape of Good Hope; and that the petitioners may be heard, by their counsel or agents, upon this subject at the bar of the House."

A Petition of the provost, magistrates, and town council of the royal burgh of Montrose, in council assembled, was also presented; setting forth,

"That the petitioners are informed that the East India Company have applied to parliament for a renewal of their charter, and they beg leave respectfully to convey to the House their sentiments on a subject

of such importance to the empire; and that the experience of past times has proved beyond all dispute the baneful effects of monopolies, and the petitioners think they are sufficiently warranted in asserting that while the monopoly hitherto enjoyed by the E. I. Company has precluded the private merchant from participating in the trade, it has been far from operating to the advantage of the Company; and that the petitioners do not mean to suggest any thing to the House with regard to the government of the Company's possessions in India, but they would humbly propose, that the exclusive privileges of the Company should not be renewed, and that the trade to the extensive countries between the Cape of Good Hope and the Straits of Magellan should be laid open to the commercial enterprize of all the subjects of the empire; and that it appears extremely unreasonable if not unjust, that the subjects of other governments in amity with Britain should be admitted to commercial intercourse with the British possessions in India, while the subjects of Britain are excluded; and that the petitioners are humbly of opinion, that the admission of a free trade with the countries comprehended under the exclusive grant of the E. I. Company will afford an extensive field for the employment of mercantile talents and capital, and be productive of the greatest benefit to the manufacturing interest of the country; and they are likewise of opinion that Leith, the port of the capital of Scotland, should be included in the number of places to which importation should be allowed; and praying the House to adopt such measures as may render it lawful for any of his Majesty's subjects, from and after the expiry of the India Company's present charter, to carry on from such places as shall be judged necessary, a free and unlimited trade with the British possessions in India and with the countries situated to the East of the Cape of Good Hope and to the West of Cape Horn."

A Petition of the merchants, ship-owners, &c. of Scarborough, was also presented; setting forth,

"That as it is expected that the approaching expiration of the E. I. Company's charter will occupy the early attention of the House, the petitioners beg leave respectfully to state their hopes and wishes on that important subject; and that the petitioners are fully persuaded, that if the trade to the British dominions in India, and to the immense and populous countries included in the charter, were laid open to the skill, industry, and capital of private merchants, it would be conducted with a degree of energy and economy of which a large public body is incapable, new channels of commerce would be discovered, the consumption of our manufactures would be extended, and our shipping increased, to the advantage of the parties concerned, and the permanent augmentation of the wealth, power, and resources of the British empire; and that the petitioners do therefore humbly request, that the House would be pleased to adopt such measures as they may in their wisdom think fit for granting to all his Majesty's subjects, after the expiration of the E. I. Company's charter, a free trade to China."

Ordered to lie upon the table.

Petitions against the Claims of the Roman Catholics—from the Clergy, &c. of Huddersfield—the Mayor, &c. of Leeds—the Archdeacon and Clergy of the East Riding of York—the Dean and Chapter of Chester—the Magistrates of Bolton—the Dean and Chapter of Carlisle—and the Mayor, &c. of Cambridge.] A Petition of several of the clergy, gentry, and inhabitants of Huddersfield, was presented; setting forth,

"That while the petitioners fully confide in the wisdom of parliament, they consider the question relating to the Popish Claims to be one which demands the most anxious attention of every friend to the Protestant religion and to Protestant Britain; and that, notwithstanding the present disturbed state of their part of the country (a state verging upon open rebellion) might suggest the propriety of forbearing to agitate, in that neighbourhood, any question of great public interest, they conceive that no fear of merely local inconvenience or personal risk ought to prevent the expression of their sentiments on this most important subject; and that, since the despotic principles of Popery are repugnant to the spirit of British freedom, firmly secured and wisely circumscribed by the laws, and since all who differ in religious opinion and practice from the Papists (who themselves, in points essential, are at variance with the Holy Scriptures), are by them declared heretics, and it is an established tenet with

them, "That no faith is to be kept with heretics!" it is even held to be a praiseworthy act to put a heretic to death, since absolution from the worst of crimes, crimes most injurious to society, may by them be obtained with ease; since these and other equally dangerous principles have already, in former days, been acted upon to a terrific extent, written in large characters of blood and flame; and as it appears, from their recent declarations, they are still maintained and upheld, because, as it is positively asserted, the Roman Catholic religion always remains the same; and therefore the only assignable reason why they are not now acted upon is the want of power; and that the petitioners look upon the demands now made by the Papists (of admission to places of high trust and power in the state, not only without any pledges of security to the present established order of things in these realms, but followed by a positive refusal of any such pledges,) as destructive if acceded to, of the invaluable privileges which they enjoy—privileges, the sanctioned birthright of Protestant Britons—and that, since the Supremacy of the Pope, and his power to absolve subjects from their allegiance to their lawful sovereign, are still maintained by the Papists, the petitioners cannot formally accede to these demands, which, if granted, would enable them to act upon those principles, without virtually renouncing their allegiance to their lawful sovereign, without forgetting all the virtues which have adorned, with so much splendor, the venerable head of their beloved monarch, that truly firm, conscientious, and undaunted defender of the Protestant faith, who has laboured for the happiness of his people unremittingly during a long reign of more than half a century, and to whose unbending integrity they are indebted, under Almighty God, for the happy exemption which they enjoy from those horrors under which the rest of Europe so deeply groans, that, sensible of the inestimable privileges, both civil and religious, with which we are favoured beyond every other nation upon earth, to secure, if possible, their continuance, is a duty which the petitioners feel that they owe to themselves, who experience their value, to their ancestors, who purchased them with their blood, and to their posterity, who may naturally claim them at their hands; and praying that the House will be pleased to watch with a most jealous eye over every alteration of the existing laws, and to shield the civil and religious establishments of these realms from the effects of those plausible professions of liberality and charity which are too often urged to conceal designs to which the state cannot but receive irrepable damage."

A Petition of the mayor, aldermen, and assistants of Leeds, in common hall assembled, was also presented; setting forth,

"That the petitioners entertain a high and grateful sense of the blessings they enjoy under the constitution by law established in Church and State, to the maintenance of which they can look with confidence so long only as the offices of the state are administered by persons attached to the constitution from principle, and ready to submit to those tests of their attachment required by the wisdom of our ancestors; and that under these impressions the petitioners cannot view without alarm the reiterated attempts of a part of his Majesty's Roman Catholic subjects, to procure the removal of all bars to their filling the highest offices in the various departments under government, in common with his Majesty's Protestant subjects; and that the petitioners have witnessed with satisfaction the repeal of the laws restraining the Roman Catholics in the free exercise of their religion, and the extension to them of many important privileges during his Majesty's mild and beneficent reign, but the petitioners know of no change in their tenets, nothing conciliating in the temper with which they advance their pretensions, no concession which they are willing to make for the security of the established religion, which can justify the Roman Catholics in their claims to further political power; and they humbly conceive that the admission of these would be a virtual acknowledgment that there is no necessary connection between Church and State, that the Act of Settlement ought to be repealed, and that the great pillars on which our ancestors raised our glorious constitution are no longer necessary for its support: and that the petitioners therefore humbly entreat the House to allay the fears of his Majesty's Protestant subjects by refusing to comply with the Claims of the Roman Catholics, and by resisting all encroachments upon that constitution under which these realms have so long and happily flourished."

A Petition of the archdeacon and clergy within the archdeaconry of the East Riding of York, was also presented; setting forth,

"That the petitioners, always desirous of expressing their entire confidence in the protection which the wisdom of parliament has uniformly extended to the Church established in this United Kingdom, feel themselves called upon, by the repeated claims of the Roman Catholics, to offer their sentiments, with the greatest deference, concerning a subject of such vast importance to the public welfare; and that they perceive with regret, that although the kindest and most indulgent toleration has been granted, demands are now brought forward of a very alarming nature, no less than an equal participation of power, no less than an unqualified admission into all the offices of state; and that the petitioners humbly represent to the House their decided opinion, that the concession of such demands would be subversive of the first principles of that constitution which was matured at the glorious period of the Revolution, when the Protestant faith and worship were happily preserved by those wise laws which are justly considered as the bulwark of our constitution; and they remark with grateful exultation, that the experience of more than a century has endeared to them a system of religion which has withstood the speculations of modern theory, and which they pray may be perpetuated to them and their latest posterity; and that they entertain no other sentiments than those of charity and affection towards Christians of all denominations; but, judging of the future by the past, they beg leave to intimate their apprehensions of danger to the Protestant religion from any further concessions to our Roman Catholic fellow subjects; and they trust and hope, therefore, that no measures will be adopted that will grant the exercise of political authority to those of his Majesty's subjects who pay implicit obedience to any foreign power."

A Petition of the dean and chapter of the cathedral church of Chester, and the parochial and other clergy of the city and neighbourhood of Chester, was also presented; setting forth,

"That the petitioners beg leave to represent respectfully, but at the same time earnestly, their firm opinion, that the statutes which exclude persons living in communion with the Church of Rome from situations of trust and power are to be regarded as the fences of our constitution in Church and State; and that, therefore, those statutes cannot be repealed without extreme danger to both, even if it were certain that the evils which the petitioners should apprehend from such repeal would, in the first instance, directly affect only our Church, yet they are persuaded it would appear to the wisdom of the House, that whatever measure affected the Church directly could not fail to affect at least indirectly the well being of the state, but that the evils to the state would not be felt merely in an indirect manner, as they are persuaded that the repeal of the restrictive statutes, instead of producing union in affections, would in the end widen beyond measure existing breaches, and would, by introducing opposition of interests, introduce confusion into our public councils; and that the petitioners therefore humbly intreat the House, by the distinguished blessings which, through the Divine favour, this nation enjoys under our present unrivalled constitution, the preservation of which is, under Providence, entrusted to the care of the House, that they will be immovable in resisting every attempt to procure the repeal of statutes, on the continuance of which in force the petitioners believe the public welfare and even safety to depend."

A Petition of the magistrates, clergy, and other inhabitants of different denominations of Protestant Christians in the town and neighbourhood of Bolton-le-Moors, was also presented; setting forth,

"That the petitioners are deeply impressed with a sense of the happiness and security they enjoy, by the blessing of Divine Providence, under the British constitution, and, with such an impression, they cannot view, without much concern and apprehension, the concession of those unqualified claims so repeatedly and so urgently made by their Roman Catholic fellow subjects; and that the petitioners are not actuated by a spirit of prejudice or of intolerance, yet, mindful of the principles established at the Reformation and the Revolution, they think that they should ill discharge the duty which they owe to themselves, to their country, and to posterity, did they not express their deliberate and decided opinion, that, to admit Roman Catholics to a full participation of political power, under a constitu-

tion purely Protestant, would be absolutely inconsistent not only with its spirit, but with its safety and stability; and that the petitioners are led to the above conclusion principally from a consideration of the peculiar nature of the Roman Catholic religion, more especially those doctrines which relate to Papal supremacy, passive obedience, and exclusive salvation; they have observed, that, in consequence of these doctrines, the Roman Catholic religion has ever been hostile to civil and religious liberty, tolerating no opinions but its own, and persecuting all who subscribe not to its creed; and, knowing that its principles are still unchanged and unchangeable, the petitioners, as Protestants, have nothing to anticipate, should Roman Catholics ever obtain that ascendency, which, when once admitted to political power, they will never cease to seek, but a revival of the intolerance and persecution of former ages; they feel for themselves, and they tremble for their posterity; and therefore, praying earnestly but respectfully, that the House would be pleased not to concede the claims now made by the Roman Catholics, as they conceive no safeguards can be devised for the security of the constitution equal to those which were established by the wise and vigilant precaution of our ancestors."

A Petition of the dean and chapter and clergy of the diocese of Carlisle, and inhabitants of the city of Carlisle and its vicinity, was also presented; setting forth,

"That the petitioners beg leave to approach the House with the expression of their most sincere attachment to the Church of England, as it is now by law established, and, at the same time to express their regard for the civil and religious rights of mankind, and their wish that a complete religious toleration may always be enjoyed by every class of their dissenting brethren; and that strongly, however, as they are impressed with these sentiments, they cannot but view with anxiety and dread the renewed and increasing exertions of the Roman Catholics in England and in Ireland, especially as the objects which, by their own confession, they now aim at, are not toleration, but power, not religious emancipation, but political equality, claims which ought never to be conceded, and which would, in their necessary consequences, undermine the foundations of every Protestant establishment; and that the petitioners, therefore, rely with confidence on the firmness of the House, trusting that they will not consent to remove those boundaries which the piety and the wisdom of our forefathers have erected, boundaries no less necessary now than ever for the protection and existence of the Church, and with it of the State."

A Petition of the mayor, aldermen, common councilmen, bailiffs, and burgesses, of Cambridge, was also presented; setting forth,

"That the petitioners are deeply impressed with the conviction, that man, being a free and accountable agent, has a right to liberty of conscience in all matters of religious opinion and worship, provided that he intermixes not with his religious tenets principles which are calculated to subvert the laws and endanger the welfare of society; and that, such being the sentiments of the petitioners, they have witnessed with pleasure the amelioration in the condition of our Roman Catholic fellow subjects, which has been imparted to them in the mild spirit of toleration, during the present reign; and the petitioners hail with satisfaction the prospect of that period when still greater immunities may be granted to them, under those safeguards, which, as Protestants, we are bound to require, and which their warmest advocates admit to be of vital importance for the security of our constitution; and that the petitioners have understood it, however, to have been declared by the heads of the Roman Catholic clergy in Ireland, that they cannot assent to any safeguard that may be deemed essential for the protection of our Protestant establishment, for want of that free access to the Pope, which it is impossible for them to have during his present state of duress, and therefore the petitioners most strongly deprecate the agitation of a question which can only tend to irritate and inflame, and the object of which cannot, as the petitioners conceive, under these considerations, be conceded; and that they deeply lament that the Roman Catholics have resolved to urge their request at so inauspicious a crisis, but, as they learn that it will shortly be submitted to the consideration of the House, they feel it a duty that they owe to their country, to themselves, and their posterity, to appear before the House as petitioners against claims which are so injudiciously intended to be preferred under such circumstances, and they rely

with confidence that the collective wisdom of the legislature will adopt such measures of internal regulation and provision as may be calculated to increase the comforts of our fellow subjects in Ireland, and enable them to participate to the utmost extent in the blessings which in England we enjoy."

Ordered to lie upon the table.

HOUSE OF LORDS.

Tuesday, February 9.

Petitions against the renewal of the East India Company's Charter were presented by lord Melville from Edinburgh and Greenock, and one from Devonshire by lord Rolle.—Petitions from Harwich and Warrington against the Catholic Claims, were also presented.

HOUSE OF COMMONS.

Tuesday, February 9.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS—FROM WARRINGTON—THE CLERGY OF ST. DAVID—AND THE PRECENTOR AND CANONS OF ST. DAVIDS.] A Petition of several inhabitants of the town and neighbourhood of Warrington, was presented; setting forth,

"That the petitioners have for some time past considered the claims so repeatedly urged by the Roman Catholic subjects of this empire with feelings not merely of surprise, but of considerable alarm, and that the same appear to the petitioners to be fraught with the greatest danger to our invaluable constitution in church and state; and that the petitioners view the concessions hitherto made to the Roman Catholics as giving them every religious and political liberty consistent with the security of the realm, and that consequently any further innovation in the established laws of the country ought to be strenuously opposed by every effort in our power; and that, regarding the question in this light, the petitioners pray the House stedfastly to uphold the principles on which they consider the safety of the empire to depend by wholly rejecting all further consideration of the subject, past events having satisfied them, that hitherto concession has only created fresh demands."

A Petition of the clergy of the archdeaconry of St. David's was also presented; setting forth,

"That the petitioners having heard with great anxiety of the renewed exertions which their Roman Catholic fellow subjects are making for the abolition of all those tests which our forefathers judged to be necessary for the security of the Protestant establishment in church and state; and being impressed with a deep conviction of the inestimable value of the Protestant religion as professed by the Church of England, and that it is not less valuable to us than it was to our ancestors, who established it, and being fully persuaded that the corruptions of Popery, which our pious and venerable Reformers laboured to eradicate, and resisted unto death, have not changed their character, but are still equally inimical to national liberty and to the Protestant faith, do humbly pray that the House will in their wisdom not remove any restrictions which are essential to the security of the Protestant establishment, nor grant any concessions which can in any way endanger the blessings of the Reformation."

A Petition of the precentor and canons of the most ancient church of St. David, was presented; setting forth,

"That the petitioners being individually bound by the Oaths of Allegiance to our sovereign and the maintenance of his absolute Supremacy, in all causes ecclesiastical as well as civil, in these his dominions, esteem it to be their duty, in obedience to those oaths, earnestly, yet humbly, to request of the House, that while they grant all reasonable immunities to the Romanists, they keep inviolate that sacred constitution of our government which has raised this kingdom to a preponderance in the scale of nations; and that they do not allow any persons whomsoever to be exempted from such restrictions as are necessary for the security of the established Church."

Ordered to lie upon the table.

PETITION FROM THE MERCHANTS OF LYNN AGAINST THE RENEWAL OF THE EAST INDIA COMPANY'S CHARTER.] A Petition of the merchants, ship-owners, and traders of King's Lynn, was presented; setting forth,

"That, as it is expected that the approaching expiration of the E. I. Company's charter will occupy the early attention of the House, the petitioners beg leave respectfully to state their hopes and wishes on that important subject; and that

they are fully persuaded, that if the trade to the British dominions in India and to the immense and populous countries included in the charter were laid open to the skill, industry, and capital of private merchants, it would be conducted with a degree of energy and economy of which a large public body is incapable, new channels of commerce would be discovered, the consumption of our manufactures would be extended, and our shipping increased to the advantage of the parties concerned, and the permanent augmentation of the wealth, power, and resources of the British empire; and that the extensive and flourishing commerce which the citizens of America have carried on for several years with India, and particularly with the Chinese empire, without any sort of restraint, is a proof that these expectations of the advantages to be obtained from the exertions of private individuals are not unfounded; and that the petitioners beg leave respectfully to represent, that any partial modification of the trade would, in their opinion, fall extremely short of those advantages which would accrue from the total abolition of the existing monopoly, and they do therefore humbly and earnestly deprecate any continuation of the Company's exclusive privilege in the commerce with China; and that they are fully convinced that it cannot, in any degree, be necessary to the secure collection of the duties on tea, nor can they for a moment entertain an opinion (injurious as it is to the national character), that Britons are less competent than Americans or others to conduct themselves with propriety in their intercourse with the Chinese; and that the petitioners, relying on the justice and wisdom of the legislature, confidently expect that the out-ports will not be excluded from participating in an open trade, and they are well assured, that the town of Lynn, from its connection with so many distant parts of the kingdom by water-carriage, possesses peculiar facilities for conducting it with economy and success; and praying the House to adopt such measures as they may think fit for granting to all his Majesty's subjects, after the expiration of the E. I. Company's Charter, a free trade to India and the other countries from which they are at present excluded."

Ordered to lie upon the table.

HOUSE OF LORDS.

Wednesday, February 10.

The Earl of Derby presented three Petitions against the renewal of the East India Company's Charter, from the merchants and ship-owners of Liverpool, the trustees of the Liverpool docks, and the corporation of Liverpool.—His lordship also presented a Petition to the same effect from the inhabitants of Manchester and Salford, signed on their behalf by the boroughreeves and constables. The Lord Chancellor observed, that the Petition could not be received as the Petition of the inhabitants, the signatures of the boroughreeves and constables not being a corporate act. The Petition might, however, stand as the Petition of those who had signed it. The earl of Derby would not contest the point with the noble and learned lord, but agreed that the Petition should stand as the Petition of those who signed it. The inhabitants who had unanimously agreed to this Petition, would be enabled, if they thought it expedient, to petition again in another form.—Petitions against the Catholic Claims were presented by the bishop of Bath and Wells, from the archdeacons and clergy of the diocese of Bath and Wells, and by the earl of Uxbridge from the gentry, clergy, and freeholders of the county of Anglesea.

HOUSE OF COMMONS.

Wednesday, February 10.

ANSWER OF SIR SAMUEL AUCHMUTY TO THE VOTE OF THANKS.] The Speaker acquainted the House, that he had received from lieut. general sir Samuel Auchmuty the following Letter, in return to the Thanks of the House, on the 10th of January 1812.

"*Madras, August* 10, 1812.

"Sir; I have had the honour to receive your Letter, conveying the unanimous Thanks of the hon. the House of Commons to me and the gallant army under my command during the late service in Java.

"To deserve the approbation of his sovereign and his country is the highest ambition of a British soldier; to receive it his greatest boast: be assured, Sir, we feel with pride and with gratitude the distinguished honour conferred on us by the Commons of the United Kingdom, and the recollection of so valuable a reward will animate us to increased exertions when again contending for the honour of

his Majesty's arms and the interests of our country.

"With sincere pleasure I have obeyed the commands of the hon. House, by communicating to major general Wetheral, and the several officers and corps, the gratifying information that their zeal, their gallantry, and discipline, have been pointedly noticed and acknowledged.

"The satisfaction I have derived from this communication has been greatly increased by the manner in which you have been pleased to convey it, and which demands from me, personally, the most grateful acknowledgments. I have the honour to be, &c. S. AUCHMUTY,
"Lieutenant General."

"Right hon C. Abbot,
Speaker, &c. &c."

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS—FROM THE DEAN AND CHAPTER OF ROCHESTER—THE ARCHDEACON AND CLERGY OF ROCHESTER—THE GENTRY AND CLERGY, &c. OF ROCHDALE—THE ARCHDEACON AND CLERGY OF BERKS—COUNTY OF FLINT—COLCHESTER—MONTGOMERY—AND TOWN OF FLINT.] A Petition of the dean and chapter of the cathedral church of Rochester, was presented; setting forth,

"That the petitioners, although they concur in approving the measures adopted by preceding parliaments in abrogating certain disqualifying statutes which were stated to be grievous to their Roman Catholic fellow subjects, have nevertheless observed, with feelings of regret, the repeated applications which have subsequently been preferred by them for the removal of all such remaining restrictions as are deemed by the petitioners to be essentially necessary to the preservation of their civil and religious liberties, and which, if acceded to by parliament, without limitation, will, in their opinion, endanger the existence of both; and that Catholic emancipation, which the petitioners understand to mean nothing less in substance and effect than to render such persons as profess Romish tenets admissible to situations of political power, they consider not only to be repugnant to the principles and the system of government established at the Revolution, but peculiarly calculated in its bearings and relations to affect the whole frame of ecclesiastical polity; and further the petitioners, conceiving it to be a truth confirmed by the testimony of long experience, that the reformed religion established in these realms has been, under Providence, a powerful instrument in diffusing the gospel in its genuine purity, they cannot contemplate any measures which may tend, whether in the immediate or remote results, to revive the influence of the Church of Rome otherwise than as pregnant with danger to Protestant interests and that national Church of which they are ministers; and that the petitioners are friends to religious toleration, but being firmly of opinion that their Roman Catholic fellow subjects enjoy that privilege in its utmost extent, they should deem themselves wanting to the duties of their functions, and the sacred trusts committed to their care, if they failed to express, at this awful crisis, the conviction which is deeply impressed on their minds, that unqualified concession to the claims of the Roman Catholics would lead to consequences which would prove detrimental to the present constitution in Church and State; and praying, that the House will be pleased to resist such applications, on the part of the Roman Catholics, as shall have for their object the unlimited repeal of all restrictive laws which are still in force against them, on the maintenance of which, in the judgment of the petitioners, depend the security of the Established Religion, and the general interests of this Protestant nation."

A Petition of the archdeacon and the clergy of the diocese of Rochester, was also presented; setting forth,

"That the petitioners, fearing that many dangerous consequences may ensue to the civil and religious establishment of this country by yielding to the Claims of the Roman Catholics as they are now insisted upon, beg leave to submit to the wisdom of parliament their serious apprehensions on the subject; and they are conscious that, in their endeavours to resist these claims, they are actuated by no other motive than by a sense of duty; and that the petitioners wish for no restriction on their Roman Catholic fellow subjects but what may be deemed absolutely necessary for the maintenance of the Protestant faith, and for the security of the Protestant succession; and that, while they have been taught to revere the wise and temperate precaution of their ancestors, in introducing such laws as tended to preserve the unrivalled constitution of this country both in Church and State, they

cannot see that any such change in circumstances has occurred as will justify the total repeal ot them; it cannot be denied that the supremacy of the Pope is still zealously maintained by those who oppose the right of the sovereign of this kingdom to interfere in the appointment of episcopal governors; for, reduced as the Papal power may now be, yet the Papal authority is and must continue to be acknowledged, so long as the Roman Catholics themselves are true to their religious principles; but the petitioners conceive that submission in any respect to a foreign jurisdiction is utterly incompatible with the fidelity and obedience that are due to the British government from all its subjects; nor can they persuade themselves that the removal of subsisting restraints will produce in any part of the dominions of this realm that unanimity which the Roman Catholics hold out as the certain effect of a compliance with their demands; the petitioners are rather inclined to fear an increase of dissentions from such a compliance, a revival of obsolete claims and of pretensions, which, though they have not yet been brought forward, may not unreasonably be apprehended; and that, unwilling as the petitioners are to suppose that those obnoxious tenets are still retained which were sanctioned by the Council of Trent, and which are equally subversive of every principle of morality and religion, yet, as this council is still holden in reverence by those who persist in their submission to the Papal See, they know not how to rely upon individual declarations, which are at variance with general ordinances, authoritatively established, and never yet formally disavowed; and that the petitioners therefore presume to express their fear and their conviction that the proposed indulgence to their Roman Catholic fellow subjects will have effects that may be fatally injurious to the civil and religious constitution of this kingdom, may renew and augment controversies irreconcilable to Christian charity, and may corrupt that pure and undefiled religion with which the interests of all their Protestant brethren, as well as the safety of the state, are identified, and which it is the duty of the petitioners to teach, to maintain, and to preserve inviolate; and praying, that the House will be pleased to resist such applications on the part of the Roman Catholics as shall have for their object the repeal of all restrictive laws which are still in force against them."

A Petition of the gentry, clergy, merchants, and principal inhabitants of the town and neighbourhood of Rochdale, Lancaster, was also presented; setting forth,

"That the petitioners contemplate with the utmost solicitude the reiterated efforts of persons professing the Roman Catholic Religion to procure still further indulgences, notwithstanding the ample concessions already granted them; and that the restrictions and disabilities to which the Roman Catholics are subject are, in the humble opinion of the petitioners, indispensably necessary for the maintenance and security of the Protestant religion as by law established; and that the Roman Catholics maintaining the same pernicious doctrines in every respect at this day as their ancestors did at the time when those laws, by the wisdom of our forefathers, were enacted, the petitioners humbly hope that those securities will be continued to them which experience has shown to be, under Providence, the great support of our excellent constitution in Church and State."

A Petition of the archdeacon of the county of Berks and the clergy of the same archdeaconry, was also presented; setting forth,

"That the petitioners are apprehensive that the Protestant establishment of the united kingdom of Great Britain and Ireland may be endangered by further concessions to our fellow subjects of the Roman Catholic Church; and, in the true spirit of Christian charity, they rejoice at the unlimited toleration they enjoy in the free exercise of their religious worship; but they are alarmed at the idea of admitting them into situations of high trust and power, and of granting them authority to become members of the legislative body of the united kingdom, the character of their Church being, according to their own declarations, unchanged and unchangeable; and they humbly implore, that the barriers which our ancestors, in their caution and wisdom, erected to protect the Protestant establishment, may not be removed, as they have hitherto proved sufficient to support our admired constitution in Church and State; and that, truly anxious as the petitioners are to deliver down to succeeding generations the civil and religious liberties they enjoy, they are still more anxious to protect our holy faith and the pure doctrines of our apostolical Church."

A Petition of the noblemen, gentlemen, clergy, freeholders, and others, inhabitants of the county of Flint, agreed upon at a full and respectable meeting of the county, held at Mould, the 15th of January 1813, and convened by the high sheriff, in pursuance of several requisitions, was also presented; setting forth,

"That it is with concern the petitioners observe their fellow subjects, the Roman Catholics, dissatisfied with the many blessings they enjoy under our mild and tolerant government, and with a degree of perseverance which seems scarcely consistent with a due respect to the repeated decisions of the House, endeavouring to obtain a repeal of the test laws, the last remaining bulwarks of the Protestant constitution; and that these laws were enacted by our ancestors, not from any narrow views of a selfish policy, not from a blind and bigotted zeal for their own religion, but from a conviction, founded on long experience, that power could be safely committed to those only who acknowledge, without reservation, the supremacy of the King, and are members of the established Church; and that, under the wise and salutary restrictions of these laws, our country has enjoyed, with little interruption, the greatest of all national blessings, internal peace and tranquillity for more than a century, and in our own times of extraordinary difficulties and dangers, while almost every other nation of Europe has been reduced by a wily and powerful tyrant, to the most abject state of political slavery, our own has not only baffled his stratagems, repelled his assaults, and preserved its freedom, but has risen to a degree of glory power and prosperity hitherto unexampled; and that the petitioners therefore cannot consider the repeal of these laws, from which the country has derived such substantial benefits, as an act of sound policy, and that it seems to them to be calculated only to gratify the intemperate ambition of men, whose allegiance is confessedly divided, and consequently whose loyalty may be doubtful, but whose hostility to our Church, and the very existence of Protestantism, is unequivocal and indisputable; and that, for these reasons, the petitioners earnestly intreat the House to preserve to themselves and posterity the blessings of the British constitution as it now is, unimpaired and unaltered."

A Petition of the mayor, aldermen, assistants, common council, gentlemen, clergy, and other inhabitants of the borough of Colchester, and its vicinity, was also presented; setting forth,

"That the petitioners view with unfeigned satisfaction all their fellow subjects of this united kingdom in unrestricted possession of civil liberty, and in full enjoyment of religious toleration, but, whilst they rejoice that this blessing is so universally diffused, they cannot but feel, and humbly express, their serious apprehension at the extended claims which, as the petitioners understand, are about to be preferred to the House by the members of the Romish Church, who, not satisfied with a perfect liberty of conscience, are seeking to be admitted into all offices of trust and authority, both civil and military, and to the exercise of the legislative functions; that the petitioners, considering the admission of such claims as a measure of great political danger, feel it to be a bounden duty, not only to themselves but to posterity, earnestly to pray the House to maintain inviolate that essential principle of the British constitution, that the legislative and executive authority of this Protestant country shall be administered only by a Protestant government."

A Petition of the high steward, bailiffs, and burgesses, of the borough of Montgomery, was also presented; setting forth,

"That the petitioners most cordially concur in that wise and enlightened policy which holds out complete religious toleration to their Catholic brethren; and that they would rejoice in their participation of all civil privileges, were it compatible with the safety of that mild and liberal constitution which protects every description of Christians in the full exercise of their religious rights; but, upon a reference to history, as well as to recent experience, to the fundamental principles and unalterable practice of the Church of Rome, they are convinced that sincere Catholics are still actuated by the same hostile spirit to Protestantism in general, and to the Church of England, Ireland, and Wales, in particular, which hath uniformly marked their political career; and that the petitioners, therefore, justly apprehending the worst consequences from a demolition of those barriers which their forefathers were compelled to erect for the protection of their civil and

religious liberties, and conceiving admissibility to office to be a matter of expediency, but not of right, do earnestly beseech the House not to concede such powers to the Catholics as might enable them, by means of foreign or domestic influence, or by any other political possibility, to endanger our present Protestant constitution, and to affect the re-ascendancy of that imperious hierarchy so inimical to the most sacred rights of a free and independent people."

A Petition of the inhabitants and burgesses of the loyal town and borough of Flint, was also presented; setting forth,

"That the petitioners beg leave most gratefully to acknowledge the blessings they now receive under the glorious constitution, in Church and State, by which they are governed, and humbly imploring for a blessed continuance of the same, and with every deference to the better opinion of the House, they beg to state their decided hostility to any concession to the Catholic Claims, which cannot be granted without including the full and unequivocal sense of the sacred oath which our most gracious sovereign took at his coronation."

Ordered to lie upon the table.

PETITION FROM IPSWICH IN FAVOUR OF THE CLAIMS OF THE ROMAN CATHOLICS.] Mr. Whitbread presented a Petition of the portmen of the borough of Ipswich, in special assembly convened; setting forth,

"That the petitioners beg leave to approach the House with sentiments very different from those which they understand to have elsewhere prevailed in the body corporate of which they form a constituent and essential member; and that, impressed with the deep and firm conviction that all civil restrictions on account of religious opinions are in themselves evils, and, except when indispensable for the prevention of greater evils, as unwise in point of policy as they are unjust in principle, and repugnant to the comprehensive spirit of Christian charity; fully satisfied too, on the maturest reflection, that, by the gradual change which has insensibly taken place in the temper and feelings of those who profess the Roman Catholic faith, the prostrate condition of the Papal power, the extinction of all adverse pretensions to the crown of these realms in every adherent to that power, and the incorporation of the Irish with the British parliament, all reasonable grounds for continuing such restrictions on our Roman Catholic brethren are effectually removed; restrictions which, if suffered to remain in the present condition of things, can have no other effect than to generate that very discontent and disaffection against which, if such dispositions really existed, they would form a most ineffectual guard; and that the petitioners do most humbly, but earnestly, beseech the House to take the claims of this very numerous class of our fellow citizens into their immediate consideration, and, by the the entire abolition of such disqualifications, to begin the great work of uniting all classes of his Majesty's subjects, of whatever religious denomination, in one common and indissoluble bond of interest and sympathy, an object eminently desirable even in the most peaceable and prosperous times, but which in the present awful crisis cannot, the petitioners humbly conceive, be purchased by too large a sacrifice of prejudice and error."

Mr. Whitbread said, that the Petition was signed by six names, courtmen of Ipswich. The whole number of these courtmen was twelve, two of whom were disqualified from taking a part on the subject. Of the remaining ten, six had signed this Petition, which, from the liberality of the sentiments expressed in it, he was proud to present.

PETITIONS RESPECTING THE RENEWAL OF THE EAST INDIA COMPANY'S CHARTER—FROM THE MERCHANTS, &c. OF BRIDLINGTON—THE MAGISTRATES OF PAISLEY—THE SHIP-BUILDERS OF WHITBY—AND THE MERCHANTS, &c. OF BIRMINGHAM.] A Petition of the merchants, ship-owners, and other inhabitants of Bridlington, was presented; setting forth,

"That as it is presumed the approaching expiration of the E. I. Company's charter will soon occupy the attention of the House, the petitioners beg leave respectfully to state their hopes and wishes on that important subject; and that they are fully persuaded that if the trade to the British dominions in India, and to the immense and populous countries included in the charter, were laid open to the skill, industry and capital of private merchants, it would be conducted with a degree of energy and economy which a large public body is incapable of exercising, new channels of commerce would be discovered, the consumption of our manufactures extended, and our shipping increased,

to the advantage of the parties concerned, and the permanent augmentation of the wealth, power, and resources, of the British empire; and that the extensive and flourishing commerce of the United States of America with India and the Chinese empire, exhibits a proof that these expectations of advantage from the exertions of private individuals are not unfounded; and that the petitioners beg leave respectfully to represent that any partial modifications of the trade would, in their opinion, fall extremely short of those advantages which would accrue from the total abolition of the existing monopoly; and they do therefore humbly and earnestly deprecate any continuation of the company's exclusive privilege to the commerce with China; they conceive that the British character forbids the injurious suspicion that Britons are not equally competent as the Americans or others to properly conduct themselves in their intercourse with the Chinese, or that that intercourse would, in the least degree, be disturbed by a conduct deficient in discretion or propriety, whilst the Americans and other nations have maintained a similar intercourse without interruption: they also think that no greater necessity for a monopoly exists, with a view to secure the duties on tea, than those on sugar, rum, or any other highly taxed article of importation; and they trust that no reason can be found, either in justice or policy, for the exclusion of the out-ports from the benefit of the trade with India; and the petitioners also hope that the House will not impose any restraint on the British merchant, respecting the burthen of any vessel to be employed in the trade, but leave the choice to his own judgment and discretion; and that the commercial distresses which the petitioners have, in common with the rest of the kingdom, experienced from the enormous power and influence of the enemy on the continent of Europe, furnish abundant reasons for applying to the House with earnestness and with confidence for the purpose of opening new channels of intercourse with those distant regions, where the success of his Majesty's arms by sea and by land has established British dominion on a permanent basis, and has secured British commerce against all danger of hostile interference; and praying the House to adopt such measures as to their wisdom shall seem meet, for granting to all his Majesty's subjects, from and after the expiration of the E. I. Company's charter, a free trade to and from India and its dependencies, and to and from the empire of China."

A Petition of the magistrates and common council of Paisley, was also presented; setting forth,

"That in the last session of parliament the petitioners presented a Petition and Memorial against any renewal of a commercial monopoly to the E. I. Company, and perceiving that this very important subject will soon experience the consideration of the House, they humbly presume again to state their sentiments concerning it, as they are the more confirmed in opinion, with regard to the expediency and necessity of refusing to the honourable Company any exclusive commercial privileges whatsoever; and that, whilst neutral nations have a free and uninterrupted trade to India and China, it appears to be unreasonable and unnatural that British subjects should be restrained, and it seems impossible to discover any reason, political or commercial, why their rights and privileges should be withheld, or why the advantages that might result therefrom should be sacrificed to a system which has been demonstrated to be as ruinous as it is unnatural; and that the petitioners respectfully contend, that the manufactures of this country will be promoted, its commerce and navigation extended, and the state finances greatly augmented, by affording access to those vast regions for the capital and enterprize of British merchants, and they cannot entertain a doubt, that, under suitable regulations, the import as well as the export trade with the East, may be extended to the ports of the United Kingdom, without influencing the revenue derived from that source of commerce; and the petitioners do therefore humbly and earnestly pray, that the House will not sanction a renewal of this commercial monopoly, but will be pleased to provide that British subjects of every denomination shall enjoy the liberty of trading to India, China, and all the countries of the east, from any port in the United Kingdom, free from any obstructions, controul, or influence whatsoever, on the part of the East India Company."

A Petition of the ship-builders of the port of Whitby, was also presented; setting forth,

"That the petitioners have for some

time past observed, with great concern, that ships and vessels built within the territories of the E. I. Company, in Asia, have been admitted to registry in Great Britain, and in consequence thereof allowed to participate in the carrying-trade of the country and its colonies; and that, if India-built ships continue to be admitted to British registry, and to participate in the carrying-trade of the empire, the most injurious consequences must result to the maritime interest of the nation, and more especially so when (as is most ardently to be wished) the trade to the East Indies is opened to all his Majesty's subjects; and that the petitioners forbear to press on the attention of the House, by entering into any particular detail of observations on the impolicy of admitting India-built ships to the privileges of British-built ships, not only as affecting the interests of the petitioners, but also the landed, commercial, and manufacturing interests of the country, as well as those of the various classes of persons who are dependent on the building, repairing, and equipment of British-built ships; they however presume it will be admitted, on an impartial consideration of the subject, that to encourage the building and equipment of ships in Asia, for the purpose of being employed in the carrying-trade of this empire, will be both impolitic and unjust, first, it will be impolitic, as the removal of a manufacture of such importance as the building and equipment of ships from this country to India (a manufacture of more importance than any other) will render precarious the means of maintaining his Majesty's navy, and especially of fitting-out with dispatch his Majesty's fleets on pressing emergencies, and will thereby undermine that great bulwark of our independence and greatness as a nation; and, secondly, it will be unjust, as many of the stores and materials necessary to the building and equipment of ships in this country are charged with considerable duties, and as the mechanics, and other persons employed therein, as well as the petitioners, contribute their proportions of the burthens imposed on the public from the exigencies of the state, to neither of which persons engaged as owners or builders of ships in Asia are subject or liable; and the petitioners respectfully submit to the House, that, from the heavy taxation of the country, there never was a period when it was so necessary to confirm the carrying-trade of this country entirely to British-built ships, from the utter inability of the owners of them to enter into a competition with the owners of East India or other foreign ships upon terms at all like equality; and praying, that, in future, ships built in Asia, and the islands thereto adjacent, may be prohibited by statute from being admitted to registry, and to the privileges of British-built ships."

An humble Address and Petition of the merchants, manufacturers, and other inhabitants of Birmingham, was also presented; setting forth,

"That the petitioners did, in the last spring, humbly petition both Houses of Parliament against any renewal of a commercial monopoly to the E. I. Company; and that, ever since that period, the petitioners have never ceased to enquire into and reflect upon the numerous bearings of this important subject; and the more firm and rooted has become their conviction of the perfect safety, expediency, and necessity of refusing to grant to the E. I. Company, any exclusive commercial privilege whatsoever; and that it is an object of great importance to the petitioners to have the trade of the east thrown open to the out-ports, because they are convinced that the competition from the out-ports is necessary to the full developement of this great commerce, which cannot fail to languish and stagnate, if confined to the port of London; and because they are apprehensive that, if confined to that port, it will also be subjected to some degree of influence or controul on the part of the E. I. Company, which will be certain to retard and obstruct its operations; and that the petitioners cannot perceive any danger or inconvenience whatsoever that can be expected to arise from colonization, or from the allowing the free residence of British subjects in the east; and that they cannot perceive any possible inconvenience which can arise from the opening of the China trade, because it is natural to believe that the Chinese government must entertain a greater degree of jealousy and distrust of the E. I. Company than they can possibly feel towards unconnected individuals; and because it appears to the petitioners that American and Portuguese individuals, without any exclusive companies, are freely permitted to trade with the Chinese, which they have continued to do for a long period, with scarce any of those interruptions and disturbances

to which the agents of the E. I. Company have so frequently exposed themselves; and that, if any difficulty should be found to arise in the collection of the revenue upon teas, or other *ad valorem* articles at the out-ports, the petitioners place reliance on the wisdom of his Majesty's government, and on the efficiency of the custom-house establishment, effectually to remedy any difficulties of this nature, and thus will the revenues of the United Kingdom be increased in proportion to the increase of its trade; and that the petitioners do therefore humbly and earnestly pray, that the House will not suffer any renewal of a commercial monopoly to be granted to the E. I. Company, but that they will be pleased to provide that all British subjects shall have the liberty of trading to India, China, and all the countries of the east, from any bonded port of the United Kingdom, or from any other ports in the world, that it may suit their purposes to touch at, free from any obstructions, controul, or influence whatsoever, on the part of the East India Company."

Ordered to lie upon the table.

Breach of the Act of Union with Ireland.] Sir *John Newport* asked, whether the hon. Secretary for Ireland meant to bring forward to-morrow the measure, of which notice had been given, to prohibit the exportation of Starch from Ireland? the answer to which question would determine, whether he should bring forward some resolutions concerning the Act of Union with Ireland, which he conceived would be violated by that measure.

Mr. *Peel* having answered in the affirmative,

Sir *J. Newport* said, that by an article in the act alluded to, it was enacted, that after the first day of January, 1801, all bounties on, and prohibitions of, any exports from one of the United Kingdoms to the other, should cease and determine. This solemn agreement between the two countries, he contended, should not be departed from on account of any temporary expedients. If it were once departed from, how could the people of Ireland, who only returned one-sixth of the members of that House, be secure against any encroachments? In proposing what he had to propose, he was actuated by no other wish than that of preserving harmony between the two kingdoms; but he felt that the only means of preserving harmony would be to mete out equal justice between them. Because it was found convenient to prohibit the manufacture of an article in England, it would follow, according to the principles of the Bill he alluded to, that the exportation of it should be prohibited in Ireland. In the case of the distillery prohibitions, there was a plea set up that there was a dissonance in the different parts of the Act of Union on the subject: in this case, however, no such reason could be adduced. He did not conceive that the hon. Secretary had any deliberate intention of violating the Act of Union, but that the measure proposed was a violation of a main article of it, was evident. The commercial advantages which Ireland possessed, she was entitled to as a right, as she had in return given up her independent legislature. If the Act of Union was constantly to be violated, it would be better to secure the harmony between the two countries, by restoring to Ireland an independent legislature.—To prevent the unhappy consequences which would result from the infractions of the Act in question, he should propose two Resolutions: 1. "That, by the 6th article of the Act of Union of Great Britain and Ireland, it is enacted, that, from the 1st of January, 1801, all prohibitions and bounties on the export of articles the growth, produce, or manufacture of either country to the other, shall cease and determine; and that the said articles shall thenceforth be exported from one country to the other without any duty on such export:—2. That the above exemption from prohibition cannot be altered or infringed upon without a manifest violation of the compact then entered into between the several parliaments of the two parts of the now United Kingdom."

Mr. *Peel* rose to explain his reasons for giving the notice of the measure in question. In the beginning of the session, when notice had been given of the continuance of the prohibition of the manufacture of starch from articles of food, he had given notice to the manufacturers of starch in Ireland, that a similar measure would be extended to that country. Representations, however, were made by them, that as that article was employed to a considerable extent in the manufacture of linen, the prohibition of the starch manufacture would seriously affect that of the staple commodity of Ireland. This, on reference to the linen manufactures, turned out to be founded in fact, in con-

sequence of which, and of a memorial with numerous signatures from the north of Ireland, the government was induced to abandon it. It was true, as had been stated by the right hon. baronet, that he had no intention to violate the Act of Union, as the measure which he had to propose was solely for the benefit of the country which possessed the least number of representatives. But would it be quite fair to allow the Irish manufacturer to supply that article to this country, which British manufacturers were prohibited from supplying?—The hon gentleman then referred to an article of the Act of Union, which he conceived justified the prohibition, by which it was provided, that the enactment above mentioned, should not affect the regulation of the exportation of corn flour, of which latter article starch was exclusively manufactured. He concluded by moving the previous question.

Mr. *Ponsonby* said, that he should have no objection to the previous question being moved, as he thought the subject might be better discussed when the Bill was brought forward. As to the construction which had been put on the article respecting the export of flour, &c. it would not bear examination, for it would be easily perceived to what extent such an explanation might be carried.

The *Chancellor of the Exchequer* said, that the measure of which his right hon. friend had given notice, was wholly in favour of Ireland. Great Britain laboured under two prohibitions; for while no starch was permitted to be manufactured, it was impossible to export any; while Ireland was not prohibited from manufacturing, but only from exporting. If this measure were not adopted, the prohibition of the manufacture in Great Britain would be nugatory, as the British merchants might carry on the manufacture in Ireland with British grain, and import the produce into this country. He contended that the clause as to the export of grain, &c. applied to starch, as the House had sanctioned the application of it to spirits.

Sir *John Newport* replied. By the explanation which had been given of the article concerning grain, the Act of Union might be rendered entirely null. He appealed to the House, whether this clause had been applied to spirits, as in that discussion an entirely different plea had been set up. Alive as he was to the interests of the linen manufacture, he was persuaded that if one infringement was suffered on the Act of Union, pleas would never be wanting for any infraction of it. The bond lay before them; it was to the *litera scripta* of the bond, and to the meaning which had been attributed to it by its proposers, and not the glosses now put on it, that he should appeal. He had no objection to the discussion coming on at a future time, but he had thought it better to oppose the measure *in limine*, which opposition being recorded, he should not divide the House.—The previous question was then put and carried.

HOUSE OF COMMONS.

Thursday, February 11.

PETITIONS RESPECTING THE RENEWAL OF THE EAST INDIA COMPANY'S CHARTER —FROM THE CITY OF LONDON—RUTHERGLEN — SHROPSHIRE — AND LANCASTER.] A Petition of the lord mayor, aldermen, and commons of London, in common council assembled, was read; setting forth,

"That the petitioners, deeply impressed with the necessity of supporting the interests and prosperity of the city and port of London, view with the most serious concern the communication made on the 4th day of January last, by the president of the board of commmissioners for the affairs of India, to the chairman and deputy chairman of the E. I. Company, which, in consequence of the late correspondence and negociation for the renewal of the Company's charter, states that the ministers of the Prince Regent, consistently with their sense of public duty, can submit no arrangement to parliament that does not include an extension of the import trade; and that this proposed extension of the import trade to the outports appears to the petitioners not only contrary to the wise system and long recognized principles of policy with respect to our Asiatic possessions which have been uniformly pursued by former administrations, and more especially by his Majesty's ministers in 1793, when the E. I. Company's charter was renewed, but seems, under every circumstance of political commercial and financial consideration, likely to be attended with results highly injurious to the true interests of the country at large; and that it appears to the petitioners that the East India Company, throughout the whole of its progress to its present state, has been supported strengthened and invigorated by a grand

vital principle of indissoluble connection between its government and trade; and that to break asunder this connection would imminently endanger, if not totally destroy, the government, the territorial wealth, and the trade of India; and that the petitioners feel themselves called upon to express their conviction that, were the Indian trade extended to the outports, it would only contribute to excite a wild and fruitless spirit of speculation, affording neither proper channels and markets for the diffusion and sale of British manufactures, nor an increase of commodities in return profitable to the merchant, and beneficial to the community; whilst the many and obvious facilities held out to smuggling would, by the introduction of prohibited goods, depreciate our native productions, and impair the best sources of our national industry and opulence; and that the proposed extension would, if carried into effect, inevitably produce the most ruinous consequences to the commercial and local interests of the city and port of London, by diminishing the means, and drying up the springs of industry, which have hitherto afforded occupation and support to a vast proportion of the national population; and that it would most materially injure, if not altogether ruin, the various and very considerable establishments now formed, consisting of docks, manufactories, warehouses, storehouses, and other useful buildings, constructed at an immense expence both in the city of London and on the banks of the Thames, which, during the continued pressure of war, and the most trying periods of public distress and embarrassment, have supplied with employment many thousands of workmen, artificers, artisans, and labourers, and afforded to their numerous families the certain means of subsistence; and that, considering the measure as connected with the public revenue, to which the city of London so very largely contributes, and thereby in a great degree upholds the honour and credit of the country, the petitioners cannot view the proposed extension without alarming apprehensions of encreased expence and difficulties in the collection of the import duties, which being at present limited to one point, and collected in an easy expeditious and certain way, almost without expence, would be then split divided and subdivided, so as to become embarrassed slow and precarious in the receipts, and attended with an enormous disbursement in the mode of collecting; and that it appears to the petitioners, from a consideration of the internal state of India, as well as from the experience of the private trade which has been, and continues to be allowed, that it is impracticable in any material degree to augment the import of profitable commodities from, or the export of British manufactures to India: and that the petitioners feel it their indispensible duty to express their firm conviction, that however detrimental such extension would prove to the city and port of London, it could not but prove still more so to the mercantile and manufacturing branches connected with the outports, and terminate in the certain disappointment of their present hopes and expectations; and that, with respect to the export trade, as many thousands of artificers, with their families, would be in danger of extreme distress and misery, in proportion as they would be deprived of employment by its removal from the port of London, the petitioners humbly beg leave to state that it is of the highest importance to the city and port of London that the export trade to India and China should continue to be carried on as heretofore; and that the interests of the E. I. Company appear to the petitioners to be so interwoven with the political and commercial system of the British empire as to excite in their minds the most serious apprehensions that extreme danger will arise to the constitution, in case of the dissolution of that body, from the transfer of the Indian patronage to the crown, which is to be dreaded in the event of the threatened separation of the government and commerce of India taking place; and praying, that on any renewal of the E. I. Company's Charter, the trade to and from India and China may be continued exclusively to the port of London, and that the petitioners may be heard, by their counsel and agents, in support of the prayer of their Petition."

A Petition of the magistrates and common council of the burgh of Rutherglen, in council assembled, was also presented; setting forth,

"That the petitioners, with great deference to the House, conceive it to be the right of all British subjects to have a free trade to India, China, and the other countries to the eastward of the Cape of Good Hope, and they are bold enough to say, that the exclusive privilege to this trade in favour of a particular class of in-

dividuals has been, and must be, attended with prejudicial consequences to the commerce and manufactures of the United Kingdom, the more especially as it has been allowed to foreign states at amity with his Majesty, and denied to British subjects; and that, among many other powerful reasons why this trade ought to be allowed to all British subjects, the petitioners are humbly of opinion, by it the peace of the community might be thereby secured by affording full work and fair wages to the operative classes, to secure whose comfort, and to render whom contented with their situation, is of the very highest importance to the state; and praying, that no exclusive grant may be given to the trade, to the eastward of the Cape of Good Hope; and that the commerce with those countries may not be confined to any particular port in the United Kingdom, but that the House will restore to British subjects those commercial privileges to which they have an undoubted right."

A Petition of the iron-masters, proprietors of the principal iron-works in Shropshire, was also presented; setting forth,

"That the petitioners beg leave to represent to the House, that though they are fully sensible that it is a duty incumbent upon every subject of these realms to submit, and the petitioners are willing cheerfully to submit to every commercial regulation and restriction by which the welfare of the state is essentially promoted, yet they apprehend, and beg leave to state, that the principle of restraining the subjects of these realms from trading with foreign nations and our distant possessions, by granting an exclusive exercise of that right to a chartered company, is so far from being essential to the welfare of the state, that it in itself is an obstacle to the increase of our commercial intercourse with those foreign nations and distant possessions; and that the principle of conducting trade with foreign nations and distant possessions by means of a chartered company, tends to increase the price paid by them for the transport of our manufactures, and to enhance that which we pay for their produce, and thereby, instead of being a benefit to this country, is an injury, and consequently an injustice to both; and that the petitioners presented a petition to the House in the last session of parliament, praying that the charter of the E. I. Company may be abolished, and that from the many important facts which have been disclosed, in the discussions which have since taken place on the subject of the said charter, the petitioners are more than ever convinced that a renewal thereof would not only be impolitic in a national point of view, but deeply injurious to the mercantile interest of these kingdoms; and praying, that, if possible, the exclusive charter of the E. I. Company may not be renewed, or that if from circumstances, not within the knowledge of the petitioners, it should appear to the House necessary to concede to the Company the exclusive privilege of trading to some particular nation situated beyond the Cape of Good Hope, such concession may be as limited as the nature of the case will admit: and the petitioners earnestly intreat of the House, so in its wisdom to protect the rights of his Majesty's subjects, as that they may not be restricted from a free intercourse with our Indian possessions, nor without absolute necessity from trading with any of those nations which are situated beyond the Cape of Good Hope."

A Petition of the merchants, ship-owners, and others interested in the trade of the town of Lancaster, was also presented; setting forth,

"That the petitioners, impressed with the belief that the policy which has so long confined the commerce of India, China, and other countries eastward of the Cape of Good Hope, by charter of monopoly granted to the E. I. Company, is not calculated to give to the nation at large those advantages which would result from a free intercourse with them; and that, in addressing themselves to the House, they venture, with the most respectful confidence, to maintain that the interests of this great empire will be importantly benefited by a free trade with the countries in question; and that a continued exclusion from them will be attended with prejudicial consequences; and that, in opposition to the principles of justice and sound policy, this intercourse has been allowed to foreign states at amity with his Majesty, while it has been denied to his own subjects, and, as in the case of the United States of America, has greatly contributed to weaken the resources of this country, and to strengthen those of the enemy; and that, at a time when it is of the utmost importance to give the people of the United Kingdom all the advantages of their skill, industry,

and capital, when the prosecution of an expensive war renders it necessary to adopt every means for augmenting the revenue, and when the prosperity of the nation requires so much the maintenance of its naval superiority by encouraging a nursery for seamen, it becomes indispensably requisite to open every legitimate channel of commerce; and that the system which has hitherto confined the E. I. trade to the port of London, is contrary to the equal rights of British subjects, and to those principles of justice and liberal policy by which the legislature is directed; and that it cannot be necessary, because it has been completely proved that the revenue is as well secured, and collected with as much ease and safety, at the out-ports, as at the port of London; and that the extent of coast in the King's channel admits of facilities for smuggling which do not exist at the out-ports; and praying, that no exclusive grant be given to trade with the countries to the eastward of the Cape of Good Hope, or to any part thereof, and that this commerce may be extended to every port in which the Warehousing Act of the 43d of the King has been acted upon, and that the House will, in its wisdom, adopt such measures as will secure the rights and privileges to which the petitioners, as British subjects, possess an unquestionable claim, and which are eminently calculated to promote the welfare and interests of the country at large."

Ordered to lie upon the table.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS — FROM THE ARCHDEACON AND CLERGY OF BATH AND WELLS —MAYOR, &C. OF ST. ALBANS—ARCHDEACON, &C. OF ST. ALBANS—ARCHDEACON AND CLERGY OF SUFFOLK—ARCHDEACON AND CLERGY OF SUDBURY—CLERGY OF CARMARTHEN, CARDIGAN, AND BRECON—ARCHDEACON AND CLERGY OF WINCHESTER—BAILIFFS, &C. OF IPSWICH—INHABITANTS OF ANGLESEY—ARCHDEACON, &C. OF COLCHESTER—ARCHDEACON AND CLERGY OF LINCOLN—DEAN AND CHAPTER OF WORCESTER—GENTRY, CLERGY, &C. OF HANG-WEST—AND THE MAYOR, &C. OF HARWICH.] A Petition of the archdeacons and clergy of the diocese of Bath and Wells, was presented; setting forth,

"That the petitioners have witnessed with considerable apprehension the recent attempts made to extend the concessions already yielded to Papists, by granting to them privileges from which they have hitherto been legally debarred; and that they humbly beg leave to state, that they do not entertain personal prejudices against any individuals, or against any community, on account of dissent from the established religion, nor are they desirous of abridging the liberty of conscience enjoyed by all persons dissenting from the doctrines and discipline of the established Church, but they cannot contemplate without additional alarm the preparations openly made to promote the revival of Popery, and the arguments advanced in support of what are called the Catholic Claims, claims openly avowed, by the Popish prelates and their clergy, to consist in a perfect equality with Protestants in every political privilege; and they humbly beg leave farther to state, that, if the indulgencies sought by persons of the Romish communion were questions of mere political expediency, they should rejoice in any boon safely conferred on them by the State; but, as faithful ministers of the Church of England, they cannot consider the predominance of Popery over Protestantism, in an integral part of his Majesty's dominions, as a mere question of political expediency; and they should deem such an event nothing less than the harbinger of the downfall of the Church of England; and that they presume not to insinuate that the wisdom of parliament cannot grant such indulgences as may gratify the reasonable Petitions of our Roman Catholic brethren, but they confidently hope that those indulgences will be thoroughly consistent with the constitution, as settled in 1688, with the Protestant succession, and with the Act of Settlement on which the right of the august House of Brunswick to the crown is founded, and also with the perfect security and integrity of that pure and apostolical Church by Divine Providence established in these realms."

A Petition of the mayor, aldermen, recorder, burgesses, clergy, and principal inhabitants, of the borough of St. Alban, was also presented; setting forth,

"That the petitioners observe with the utmost solicitude and alarm the assiduous efforts of the Roman Catholics to obtain admission to all places of political power and trust, both civil and military, and to the unlimited exercise of legislative functions; and that it is with feelings of unfeigned satisfaction they contemplate the

blessings of religious toleration, as extended to their fellow-subjects of the Roman Catholic Church, and the removal of all the disabilities affecting their property and personal rights, but they feel it an imperious duty, not only to themselves but to posterity, now to resist their persevering endeavours, notwithstanding the large and important privileges already conceded to them, to acquire possession of political influence and power, in direct violation of all the principles of the Revolution, and all the subsequent laws, which have secured such privileges only to those of the Protestant establishment; and that, confiding in the wisdom of the legislature, they have hitherto refrained from petitioning the House against the Claims of the Roman Catholics, so repeatedly and incessantly urged; but such silence having been misconstrued into a tacit approbation of the measure, the petitioners feel anxious to record their fullest conviction of the danger of such concessions, which, as they conceive, can only be granted by an abandonment of that constitutional principle on which the security of the Protestant establishment and the right of the throne is founded; and the petitioners therefore humbly implore the House, the guardians and protectors of their liberties, both civil and religious, to become the opponents of every measure that may give political ability to the Roman Catholics to undermine the basis of the British constitution, and that it may be still transmitted, with all its blessings and privileges, unimpaired to their posterity."

A Petition of the archdeacon and clergy of the archdeaconry of Saint Alban, was also presented; setting forth,

"That the petitioners contemplate with the liveliest satisfaction that full and equal toleration extended by the British government to all its subjects in matters of religion, by which provision the private privilege of conscience is exempt, as it ought to be, from human limitation or controul, and the public acts and professions of men in those respects are liable to no restraints but such as are deemed necessary for the safety, peace, and welfare, of the whole community; and that the petitioners entertain the most earnest wish that every subject in the British empire should be free to share in civil benefits, and be affected by no incapacity for place or power, except where the security and welfare of the State may require the continuance of such restraints as have been deemed necessary by the judgment of the legislature, on which ground it is that they humbly conceive the present claims of the Roman Catholics of this realm to be inadmissible; and that the petitioners, in this last expression of their sentiments, do not regret the several acts of indulgence which have been successively conceded to this body of their countrymen and fellow Christians, so well calculated, as such favours have been, to conciliate and satisfy the minds of those who stand unhappily divided from us, in communion; and that if the members of the Church of Rome in this land, by any overt acts of an hostile nature to the State have forfeited at any time the right to full and perfect toleration, the petitioners see with pleasure the restitution of such right, judging that the government in its wisdom has found it safe to remove those restraints, which were only warranted by the necessary care and preservation of the public weal; they likewise hope and trust that every further favour and indulgence may be granted, so far as can be consistent with the safety of the State, and of course with the security of the Protestant establishment, with which the dearest interests of the State are interwoven, but they are persuaded that an equal participation of the legislative power cannot safely be thrown open to a body of Christians, whose avowed and unalterable principles, founded on the decisions of a Church which calls itself infallible, are hostile to the civil supremacy in this realm, as extended over all persons and all causes; such a privilege, enlarged to men whose consciences are subject to an arbitrary power without the realm, and operating as it must do very frequently in mixed cases, tends directly to subvert the British constitution bequeathed to us by our ancestors, and settled in its fundamental laws and public declarations; and that the petitioners humbly apprehend that no just claim to civil rights against existing laws so framed, can be competent to any body of men, much less to a manifest minority; and that the petitioners, with reference to this branch of the question which relates to numbers, feel sensibly for that part of the British empire where the numbers of those whose claims are now put forward, preponderate in a great degree; the petitioners are therefore led to wish most earnestly for any improve-

ment of their circumstances which the case admits, but they cannot but observe that the British laws and constitution are planned for the safety of the whole, and more especially in these two following respects—that no foreign head shall have authority or jurisdiction of what kind soever in this realm;—and that the Protestant establishment and Protestant ascendancy, the main bulwark of our integrity in matters of religion and of our liberties and well-being as a people, shall be preserved inviolable; and that the petitioners should view, with equal apprehension and anxiety, any disposition to separate the civil and religious interests of the realm, the consequence of which would not only be the ruin of the present ecclesiastical establishment of the Church of England, but the overthrow of all peace and concord among Christians, as subsisting in one land or nation; upon this account the petitioners view with astonishment the attempts of those who would represent this whole question as exclusively political, and humbly crave leave to express their sense, at this juncture, of the danger of yielding to those claims which admit not of the common pledges which are now required from all those who share in the legislative branches of authority."

A Petition of the archdeacon of Suffolk, and of the clergy, was also presented; setting forth,

"That the petitioners view, with increasing concern and alarm, the repeated and persevering efforts of the Roman Catholics of the United Kingdom, to obtain from the legislature an elevation to a degree of political power which, in the humble opinion of the petitioners, cannot be granted them without the most imminent danger to the constitution both in Church and State; and that the petitioners feel they would be guilty of a dereliction of duty, were they longer to defer expressing, in the most unequivocal but respectful manner, not only that firm and zealous attachment to the Church, of which they are ministers, springing from the belief that its doctrines are scriptural, and its ordinances apostolical, for which they claim credit from the House and their country, but also their full persuasion that, with the preservation of the Church, the best interests of true religion, as well as the stability of the monarchy, and consequent happiness and prosperity of the people, are most intimately and indeed inseparably connected; but great as is their confidence in the purity of the Church, as by law established, the petitioners contemplate, with unfeigned satisfaction, the complete and unrestrained exercise of their religion, granted to all who unhappily separate from her communion, and they humbly conceive that Roman Catholics, in common with all Protestant dissenters, enjoy this toleration in the most ample manner; and that the petitioners, therefore, most earnestly implore the House, not to relax those salutary regulations in the instance of persons professing the Roman Catholic religion, to which all Protestants are at this time compelled to submit, nor to remove those guards and fences which have been so wisely planted round the venerable fabric of the united Church of England and Ireland, cemented in the blood of its martyrs, unless parliament shall, in its wisdom, provide other means of security, which the petitioners have never yet seen detailed, that may prove a support and defence equally permanent and solid."

A Petition of the archdeacon and clergy of the archdeaconry of Sudbury, in the county of Suffolk, was also presented; setting forth,

"That the petitioners, impressed with a just regard for the Church of which they are ministers, and duly grateful for the peace and tranquillity it has so long enjoyed, feel increasing alarm and apprehension at the claims and persevering efforts of the Roman Catholics of the United Kingdom to obtain from the legislature an elevation to political power, which, in the humble opinion of the petitioners, appears incompatible with the maintenance of the reformed religion and the security of the Protestant succession in these realms; and that the petitioners feel themselves compelled by their duty, on a comparison of the extent and object of these claims with the principles and policy of those who make them, to express strongly, but with all respect and deference, their sense of such dangerous demands, conceiving that in reason and prudence power cannot be confided to persons who are under the dominion of an influence hostile to the establishment, the petitioners, at the same time, confiding in the scriptural and apostolical excellence of that Church of which they are members, contemplate, with unfeigned satisfaction, the complete and unrestrained exercise of their religion, granted to all who dissent

and separate from her communion, and they humbly conceive that Roman Catholics enjoy this toleration in common with them in the most ample manner; and that, fully persuaded the best interests of religion, as well as the stability of the monarchy, and the prosperity of the people, are intimately and inseparably connected with the preservation of the reformed Protestant Church, and having experienced the efficacy of the laws so wisely enacted by our ancestors as a guard and protection, the petitioners humbly and most earnestly implore the House not to relax those salutary regulations, nor to remove those fences planted round the venerable fabric of the united Church of England and Ireland, and cemented in the blood of its martyrs; and that, influenced by these considerations, the petitioners, with all humility and respect, offer this expression of their sentiments to the House, confidently trusting that on an occasion in which the interests of the reformed religion are so vitally concerned, the voice of its ministers will not be disregarded, and that, in the wisdom of the House, they will adopt such measures as will best maintain the Protestant ascendancy in Church and State, and give stability and permanence to the civil and ecclesiastical constitution of the country."

Three Petitions—of the clergy of the archdeaconries of Carmarthen, Cardigan, and Brecon, in the diocese of Saint David—were also presented; setting forth,

"That the petitioners having heard with great anxiety of the renewed exertions which our Roman Catholic fellow subjects are making for the abolition of all those tests which our forefathers judged to be necessary for the security of the Protestant establishment in Church and State, and being impressed with a deep conviction of the inestimable value of the Protestant religion, as professed by the Church of England; which they esteem to be not less valuable to us than to our forefathers, who established it, and being, moreover, fully persuaded that the corruptions of Popery, which our pious and venerable reformers laboured to eradicate, and resisted unto death, have not changed their character, but are equally inimical to national liberty and to the Protestant faith, do humbly pray that the House will not remove any restrictions which are essential to the security of the Established Church and Protestant succession, nor grant any concessions which may in any way endanger the blessings of the Reformation."

A Petition of the archdeacon and clergy of the archdeaconry of Winchester, was also presented; setting forth,

"That the petitioners, while they in all humility submit to the House their serious apprehensions of the dangerous consequences of conceding to the Roman Catholics of the United Kingdom their claims of a total repeal of those statutes which preclude them from offices of trust and power, at the same time anxiously disavow every degree of intolerance, or any uncharitable wish to controul or abridge, either with regard to our Roman Catholic fellow subjects, or to Christians of any other persuasion dissenting from our Church, the freest profession of those opinions, or the most unrestricted exercise of that worship which their conscience approves; and that they however conceive that at no period in the annals of Christianity was this liberty more fully and perfectly enjoyed by those of every Christian persuasion within the United Kingdom than at the present moment in which we live; and these inestimable advantages the petitioners humbly think themselves warranted in attributing, in great measure, to the ascendency of a mild and tolerant establishment, protected by those enactments of which an entire and unqualified repeal is now required; and praying, that those safeguards which our Protestant ancestors, men eminently distinguished by their legislative prudence, and their zealous attachment to the true principles of civil and religious liberty, delivered down to us, and which appear to be still necessary to the protection of our constitution in Church and State, to the security of the Protestant succession in the illustrious House of Hanover, and to the interests of the Protestant religion in the United Kingdom, may, by the wisdom of the House, be preserved, so that all the blessings experimentally resulting from them for more than a century past may be, under the favour of Divine Providence, transmitted unimpaired to the latest posterity."

A Petition of the bailiffs, burgesses, and commonalty, of Ipswich, in great court assembled, was also presented; setting forth,

"That the petitioners, actuated by no

sentiments of hostility towards their Roman Catholic fellow subjects, and uninfluenced by any wish to restrain the free exercise of religious opinions, yet view with the most serious alarm, the efforts now making to extend the indulgences already granted to Papists, by conferring upon them political privileges from which they have hitherto been legally debarred; and that the petitioners, with a deference befitting an appeal to the deliberative wisdom of parliament, beg permission respectfully to state their conscientious persuasion, that the repeal of those laws, on which the remaining Catholic disabilities are founded, is inconsistent with the spirit and safety of the British constitution, inasmuch, as in the honest judgment of the petitioners, the restrictions now sought to be abolished have essentially contributed to the preservation of those civil and religious institutions under which this nation has attained to an envied elevation of political prosperity; and they therefore earnestly implore the House, not to relax in the maintenance of those ancient and tried securities, which long experience has proved to be the surest bulwarks of this Protestant Church and State, and for the continuance of which it is their firm belief, that as valid reasons now exist as when they were first devised by the provident wisdom of our ancestors."

A Petition of the gentlemen clergy and other inhabitants of the county of Anglesey, was also presented; setting forth,

"That the petitioners, deeply as they are impressed with a just abhorrence of all persecution for difference of opinion in faith or practice, and justly as they exult in being members of a national church which has ever shown tenderness to scrupulous consciences in the exercise of religion, do nevertheless humbly conceive the preservation of that Church, as by law established, to be their primary and bounden duty; and that the petitioners rejoiced in the relief granted by the Act of the 31st of his present Majesty to the Roman Catholics of Ireland, but lament that, instead of the gratitude and contentment which that measure was calculated to produce, it has encouraged them to advance claims manifestly subversive of the Protestant establishment; it therefore becomes the duty of the petitioners, and they do most humbly pray, that the House, in any measures which in its wisdom it may adopt for the farther relief of the Roman Catholics of Ireland, will take especial care that those measures be so framed as to preserve that constitution, civil and religious, which the petitioners have received from their ancestors, and which it is their anxious wish to transmit unimpaired to their posterity."

A Petition of the archdeacon, clergy, and laity of the archdeaconry of Colchester, was also presented; setting forth,

"That the petitioners have viewed, with a great degree of anxiety and interest, the discussions which have from time to time engaged the attention of the House upon certain claims preferred by his Majesty's Roman Catholic subjects of this United Kingdom, and have seen with increased solicitude these claims urged upon the House with additional confidence on the part of the claimants; and that the petitioners, sincere friends to religious toleration, and faithfully united in the bonds of Christian charity to all their fellow subjects, however differing from them in religious opinion, have, among the many preferences which they have conscientiously given to the established Church of these realms, not admired it the least for its mild ascendancy over those who dissent from it, for its Christian temper on all occasions towards them, and for its uniform moderation; and that, influenced by these sentiments, and relying with a confidence, which they trust will never be disappointed, on the wisdom of the House, the petitioners have hitherto forborn to express their apprehensions on this very important subject, but conceiving from the measures they have observed, and from the exertions which have been adopted, that the same claims may soon be pressed with new energy upon the House, they feel it their bounden duty humbly to submit to the House, that, in their sincere and conscientious opinion, these claims cannot be conceded in the unlimited and unrestricted application in which the petitioners understand they have been made, without danger in their immediate effects, and still more in what the petitioners conceive would be their unavoidable consequences to that constitution in Church and State for which our forefathers in their wisdom so strenuously, and happily for us, so successfully contended, and by which, under the mercy and protection of Divine Providence, this country has been raised to a state of strength and prosperity en-

vied by other nations, and enjoyed by none; and that, were the disabilities and disqualifications of the petitioners' fellow subjects professing the Roman Catholic religion such as would affect their liberty of conscience, their free exercise of religious worship, or any of those privileges which are essential to the happiness of social or domestic life, the petitioners would be the first to promote their removal, but being, as they are, mere restraints against political power, legislative authority, and that influence in the state, from which, for the security of our reformed and established Church, it has been deemed necessary by the Act of Settlement, and by other acts of the legislature, which are esteemed the very basis of our valued constitution, to exclude those who refuse her communion, the petitioners feel every ground for confidence that the House will pause before it compromises or infringes in the first instance, those fundamental laws of the state by which our religious and civil liberties have by the wisest of our statesmen been hitherto considered as best secured, and by which our revered monarch and his august family became entitled to and seated on the throne; and that the petitioners are aware that some men of enlightened understandings and sincere professions, who are advocates for the concession of these claims, have been forward in expressing a desire that other securities of the state should be substituted in the place of the disabilities and restrictions which now exist; but, as far as the petitioners have been able to learn, none have hitherto been publicly proposed, or sufficiently explained, to reconcile contrarieties of opinion, or calculated to give equal stability to the Protestant establishment, or to conduce, however desirable, to the general satisfaction and concord of all his Majesty's subjects; and that the petitioners are unwilling to bring before the consideration of the House those religious tenets which, however revered by their Roman Catholic fellow subjects, are in their tendency and nature inconsistent with a Protestant ascendancy, and a Protestant creed; they therefore merely presume to submit to the House, that while the spiritual influence of the Pope continues undiminished, his temporal power has become subject to the unrestrained controul of the most inveterate and unrelenting enemy his Majesty and his dominions have ever known; the petitioners, therefore, feel a new danger, which adds to their solicitude and apprehension, in the firm belief that this power would be exercised in every degree of influence which can be acquired in this United Kingdom by the Catholic See, to the immediate prejudice and final subversion of its religious and civil establishment; and for these considerations, and for others which the petitioners confidently entrust to the accustomed vigilance and discernment of the House, the petitioners are disposed firmly to believe that they shall still have the happiness of seeing those securities which were provided in the wisdom of our ancestors at the enlightened æra of the Revolution, for the protection of our reformed Church and the preservation of our civil liberties, faithfully maintained, and in a grateful sense of the blessings which, under Providence, they have conferred on us, transmitted inviolate to posterity, and remaining the stability of our revered constitution to a distant futurity."

A Petition of the archdeacons and clergy of the archdeaconries of Lincoln and Stow, was also presented; setting forth,

"That most sincerely attached to that reformed Protestant Church, of which they are ministers, and duly grateful for the peace and tranquillity which this their Church has so long enjoyed, the petitioners feel in their minds the most serious apprehension and alarm at the claims recently laid before parliament by the Roman Catholics; and that, on a careful comparison of the object and extent of these claims, with the principles and policy of those who make them, the petitioners find themselves imperiously called upon to offer the strong, but respectful, expression of their sentiments, in opposition to such dangerous demands, conceiving that it would be utterly contrary to all reason and prudence to put power in the hands of those who, in spiritual matters, openly maintain the supremacy of the Papal authority within this realm, and who, in other respects, are well known to hold opinions incompatible with the safety of the constitution; and that having amply experienced the efficacy of the laws, which the wisdom of our ancestors enacted for the protection of the Protestant establishment, and being thoroughly convinced that they contain in them nothing inconsistent with religious toleration, (which it is matter of the highest satisfac-

tion to the petitioners to see the Roman Catholics in full and complete possession of,) they earnestly pray that these laws may not be repealed, and that if, notwithstanding, for reasons which the petitioners are not aware of, there should appear to the House a paramount necessity for the repeal of those laws, their next prayer is, that the House would substitute such others in their place as, though in different form, may seem equally calculated to produce the same effect, seeing in any thing less strong than the existing securities much hazard to the Protestant interest, whilst, from an unqualified compliance with the demands of the Roman Catholics, they could look for little else than its subversion; and that, under the influence of these impressions, the petitioners beg leave, with all humility and respect, to tender this their Petition to the House, confidently trusting, that on an occasion in which the interests of the reformed religion are so vitally concerned, the voice of its ministers will not be disregarded; and that in the wisdom of the House they will adopt such measures as will best maintain the Protestant ascendancy in Church and State, and give stability and permanence to the civil and ecclesiastical constitution of the country."

A Petition of the dean and chapter, archdeacon, and clergy of Worcester, was also presented; setting forth,

"That they are justly alarmed at the high tone assumed by the Papists in Ireland in their late petitions to parliament; and that the petitioners have no wish whatever to abridge the religious toleration they enjoy, but they dread an increase of their political power, and do therefore most earnestly intreat the House in their wisdom to consider whether such power, if conceded, would not tend to endanger the Protestant establishment, interwoven with the constitution of these realms; by the statements of the Roman Catholics themselves, the character of their Church is known to be inconsistent with our civil and religious liberties, and to be subversive of the king's ecclesiastical supremacy; and that dear to the petitioners is the liberty they enjoy, and revered the constitutional power of the monarch, but dearer still are the tenets of our holy faith, and the pure doctrines of our apostolical Church, which by the most sacred ties they are bound to continue and uphold."

A Petition of the Protestant gentry, clergy, and householders, within the district of Hang West, in the North Riding of York, was also presented; setting forth,

"That, with earnest wishes to live on terms of amity and conciliation with their Roman Catholic fellow-subjects, they feel with concern, and observe with alarm, their strenuous and persevering exertions to obtain the unqualified repeal of those laws on which the remaining Roman Catholic disabilities depend, and which, if conceded, the petitioners humbly conceive, would tend to subvert the Protestant settlement and the principles of the British constitution as established at the Revolution; and that, whenever the Roman Catholic Claims shall become the subject of discussion in the House, the petitioners humbly implore, if the House in its wisdom should resolve that any further privileges (consistent with the spirit and principles of the constitution) may be safely granted to the Roman Catholics, that the same may be so guarded as to afford full and perfect security to the Protestant establishment in Church and State, and to shield it from future encroachments."

A Petition of the mayor, aldermen, and capital burgesses of Harwich, and the clergy and other inhabitants of the same borough, was also presented; setting forth,

"That the petitioners, considering religious toleration as one of the most striking features in the constitution of the united church of Great Britain and Ireland, have viewed, with the greatest satisfaction, the gradual amelioration of the condition of their Roman Catholic brethren, and rejoice in seeing them possessed of the most unbounded liberty of conscience, and the full, free, and public exercise of their religious worship, together with the most perfect freedom of both person and property; warned, however, by the recording page of history, the petitioners look back with horror to that period, when armed with political power, the Catholic religion deluged this happy country with blood, and now, notwithstanding the great respectability of numerous individuals attached to that communion, the petitioners feel the strongest apprehensions that similar causes may, at some future period, give rise to similar events; and that these apprehensions are very much increased by the manner in which (as the petitioners understand),

their Romish fellow subjects are endeavouring to obtain political power and authority; and they think it a bad presage of the use hereafter to be made of those acquisitions, when, instead of approaching the House in the language of humility, many of their accredited and most popular leaders demand them as their indisputable rights, at the same time refusing to give any adequate security in return for the preservation of the civil and religious rights of their Protestant brethren; and that another weighty cause of apprehension to the petitioners arises from the situation in which the spiritual head of the Roman Catholics is at present placed, he being completely in the power, and entirely at the command, of the most artful and inveterate enemy this country ever had to contend with; how the unbounded influence he possesses over the minds of his too faithful adherents would be exercised when under such controul, the petitioners consider so apparent, that they should not have submitted it to the House but from the strong conviction that that influence which, from the present state of political power in this country is innocuous, would then be employed to arm our Catholic fellow subjects against us, and might ultimately be productive of the destruction of our most glorious constitution; and that, confiding however as the petitioners do in the unshaken fortitude and wisdom that has hitherto always been displayed by the House, in the most trying emergencies, they humbly trust that, should it be found expedient to alter any of the existing laws in favour of the Roman Catholics, it will be on such terms as shall secure inviolate to the latest posterity that happy constitution in Church and State which has been purchased by the dearest blood of our ancestors, and which has so long made us the envy and admiration of surrounding nations."

When the Petition from Anglesea was presented,

Sir *Henry Parnell* rose, for the purpose of stating some extraordinary circumstances that had come to his knowledge respecting the Petition now offered. At the meeting which was convened for the purpose of suggesting it to the county, the gentleman who proposed it, made a speech of an hour and three quarters long, in order to prevail upon his hearers to adopt it. This address, instead of detailing facts, or urging arguments against the claims of the Roman Catholics, was filled from beginning to end with quotations made from the Anti-Jacobin Review, of the Third Part of "A Statement of the Penal Laws affecting the Roman Catholics." It was well known to every individual at all acquainted with the subject, that this third part was a malicious and contemptible, fabrication, published for the purpose of defeating the just objects of a much injured portion of the king's subjects, and it betrayed the grossest ignorance on the part of the person who cited it, as any authority to justify a Petition in opposition to their claims. This forgery, had, however, been successfully employed on this and on many other occasions; it had been circulated throughout England with an industry that would have well become a better cause. Not only was the work itself transmitted to every country town, to mislead the ignorant, but pamphlets were written, and arguments employed, founded upon the false *data* supplied by this gross, malignant, and mischievous imposition upon public credulity. The House and the country, from such statements, might judge of the weight due to petitions, most frequently obtained by working upon the feelings, and deceiving the ignorance of the people of England.

Dr. *Duigenan* thought that the worthy baronet was needlessly alarmed, since, even supposing that the pamphlet were such as he had described it, it could not make that deep impression upon the minds of the sensible people of England which he had imagined: it was unfounded to assert, that the petitions against the Catholic demands were founded upon statements and arguments derived from the Third Part of the Statement of the Penal Laws. The resistance offered throughout the country, and in the House when the debate should take place, would be grounded upon the first and second parts of the Statement of the Penal Laws, written under the direction of, the Catholic committee, and containing their exposition of the grievances under which they labour. He recommended the worthy baronet to read them, that he might be prepared against the discussion of the Catholic question, if he had not already perused them; and if he was acquainted with them, he defied him to maintain that they were not authorised by the Catholic body of Ireland.

Sir *H. Parnell* replied, that although he

did not know what right the right hon. doctor had to catechise him, he had no objection to answer, that the two first parts of the Statement of the Penal Laws were authentic: he believed them to be the production of a gentleman who was employed by the general body of Catholics, to lay an exposition of the laws before the public. He feared that the learned doctor had not himself perused them, or he would never have persisted in his opposition to the just rights of four millions of the King's subjects. That the two first parts of the Statement were accurate he had no doubt, since he had found all the references made to the statute book to be correctly given.

Dr. *Duigenan* begged to ask if the hon. baronet did not know that those two first parts were the work of the whole body of Catholics?

Mr. *Whitbread* wished to make one or two observations on what had fallen from the right hon. doctor, who now appeared in the hey-day of his triumph. Time had been when the learned doctor had taken a most active part against the Catholics; time had been, when for a whole session, he had maintained a most unaccountable silence: the House was now threatened that a time would come when another speech would be heard from the same quarter; and the learned doctor took upon himself to say, not only that his own, but that the arguments of all gentlemen on that side of the question, would be drawn from the two first parts of the Statement of the Penal Laws: they had concerted together as to the line of their proceedings, and they were to fasten themselves on what the learned doctor called the work of the whole Catholic body. It appeared that the Petition now offered was founded upon a fabrication; it originated in a disgraceful forgery, and the House was called upon to listen to the language of those who had been cheated into a resistance to those claims, which, but for the gross imposition, they might have supported. The third part of the Statement purported, like the two former, to be the work of a Catholic, but it was in truth the production of some venal Protestant, who had attributed to the Catholics sentiments that they abhorred. The learned doctor had thought it right to volunteer a declaration of the mode in which his colleagues would resist the reasonable claims of some most injured individuals, and this Petition would afford a specimen of the mode in which their arguments would be seconded by the country. Their arguments were founded in falshood, and their support was obtained by forgery.

Mr. *Tighe* observed, that the Roman Catholics would concur in any fact adduced in the two first parts of the Statement: upon them they would willingly rest their cause. Who was the author of this scandalous fabrication he did not know, but he trusted that the criminal would soon be dragged from his lurking place into public view. Although it must be known to be a malicious calumny, it had been industriously circulated free of postage, to every part of the kingdom, and it had actually issued from one of the government presses of Ireland. Whether it were intended for wit or for malice he knew not—the author had failed in the former; in the latter he had been too successful; it was the dull work of some dull underscribe of the Irish government; its dullness was only exceeded by the stupidity of those who could for a moment give credit to it.

Mr. *B. Paget* adverted to the number of respectable signatures affixed to the Petition; it had been in Beaumaris only two days, and yet 800 names were subscribed.

Mr. *Grattan* remarked, that the Third Part of the Statement of the Penal Laws had been expressly denied by the Catholics of Ireland to have originated with them, and he read to the House the following Resolution the body had come to upon the subject, on the 6th instant, at Dublin:—"Resolved, that a pamphlet entitled 'The Third Part of a Statement of the Penal Laws which aggrieve the Catholics,' having been industriously circulated throughout England, for the manifest purpose of misleading our fellow subjects, and counteracting the growing liberality of sentiment, is now disclaimed by the Catholic Board, who cannot suppress their astonishment at the success of the imposition: that the said pamphlet is a gross and defamatory mis-statement—a malignant and malicious forgery, slandering our views and principles—misrepresenting our just and reasonable complaints—falsely purporting to be the authorised publication of the Catholic Board, and really originating in a venal branch of the Dublin press, and which, however received and credited in the sister country, has not imposed upon a single individual in this."—The right hon. gentleman

submitted, that petitions resting upon such a basis, could be entitled to no respect in that House or the nation.

Mr. *Peel* rose in consequence of what fell from the hon. member who had accused the Irish government of being the author of the work in question. To-night he had heard, for the first time, from what press it had issued, and he only was made acquainted with the fact of the publication, by receiving a copy of it, accompanied by a letter from the anonymous author. How far it was necessary for the Catholics to attempt to counteract its effect, he would not determine. It was said that no assertion or quotation made in the two former parts were incorrect; it might not be amiss to apprize the House, that the printer of them, a few days since, was convicted of a libel, charging the Lord Lieutenant with deliberate murder.

Mr. *Whitbread.* This is the first time I ever heard it said, that because a man had been found guilty of a libel, he could not correctly quote an act of parliament.

Mr. *Canning*, from his own personal experience could declare, that this fabrication, in more than one instance, had produced an improper impression: it had induced persons before friendly to conciliation to become hostile to it, upon the perusal of the work. Of this fact he was apprized by letters he had obtained from several persons of respectability, who assured him, that up to the moment before they read this forgery, they were in favour of the Catholics; and that their change of sentiment was entirely to be attributed to it. He had never himself read it; but if it were what it was stated to be, he was happy that so public a disavowal had been given.

The Petitions were ordered to lie on the table.

STARCH PROHIBITION BILL.] Mr. *Peel* stated, that it was not his intention to persist in the motion of which he had given notice on the preceding evening, for leave to bring in a Bill to prevent the exportation, from Ireland to this country, of starch and blue. In abandoning the measure, however, he was not influenced by any of the arguments made use of by the right hon. baronet (sir J. Newport) in the short discussion which took place last night. For he did not see the impropriety of preventing the export of those articles from Ireland, when their manufacture was suspended here. Indeed, if the argument of the right hon. baronet, that the strict letter of the Act of Union should be adhered to, were pushed to its full extent, it might be said, that though, by its provisions, they were allowed to legislate for corn, flour, meal, and biscuit, yet they must not legislate for bread. The suspension of the manufacture in England, had occasioned unbounded speculation in the sister country; and he had received a letter from a gentleman in Kilkenny, stating, that a person there had thrown up the business of a tanner, for the purpose of turning his premises into a starch manufactory. Such speculations as these must necessarily consume a vast proportion of grain, proper for the sustenance of man. For the sake of encouraging the manufactures of Ireland, when the restriction took place in England, it was not extended to the former country, therefore, he argued, that, if there was an infraction of the Act of Union, it was in favour of Ireland. He then stated, that his right hon. friend, the Chancellor of the Exchequer, having some reason to doubt whether the Starch Restriction Act, introduced by him last session, was so effectual as he hoped, in preventing the manufacture of that article, intended to repeal it: and it was considered better that the subjects of both countries, in compliance with one of the articles of the Act of Union, should be put on an equality, by permitting each of them to proceed in the manufacture, than by prohibiting them both.

Mr. *Ponsonby* did not mean to discuss the merits of the measure which the hon. gentleman had abandoned; but he wished to observe, in consequence of what fell from the hon. gentleman, that it ought not to weigh with the House, whether an infraction of the Act of Union benefited the manufacturer of this country or of Ireland; their only duty was, to maintain the Act as it stood. The articles were equally binding on both countries, and all the House had to do was to see that they were strictly complied with.

The *Chancellor of the Exchequer* concurred in the justice of the right hon. gentleman's observation; but was of opinion that the measure of his hon. friend, if carried into effect, would not have been contrary to the spirit of the Articles of Union. He then moved that the British Starch Prohibition Bill be entered as read; and gave notice, that he would to-morrow move that it be taken into consideration by a Committee of the whole House.

VICE CHANCELLOR'S BILL.] Lord *Castlereagh* rose to move the second reading of the Vice Chancellor's Bill, in doing which he entered at large into the causes which rendered the creation of such an office advisable, and stated the reasons which had induced his Majesty's ministers to propose the Bill. He first took a view of the necessity which existed for adopting some measure of the kind; this necessity he contended was indisputable, and therefore the House had no option but to balance between it on the one hand, and the imperfections in any remedy they might think fit to apply on the other. Of its necessity it was not too much to say, that if some mode were not devised to render that judicial portion of our constitution equal to its labours, the whole of the judicial code of the country must be affected, and great injury done to the subject from the impossibility of obtaining timely redress in any suit. As a proof of this, he needed only to state, that there was at present in the House of Lords an arrear of 280 Appeals, which at an average of the rate in which such causes had been decided, could not be determined in less than eleven years. This in itself was a crying grievance to suitors, but the evil did not rest here. It was not confined to the mere suitors in those cases (great as the hardship was to be lamented as affecting them alone), but by the delay in ruling disputed points of law, the number of Appeals themselves were greatly augmented; for in the determination of these causes might be involved some principles, which, till a decision was obtained, kept the subject in ignorance of the law of the land, and multiplied litigation. Thus the mischief was not peculiar, but extended, and the cause of its own increase. The House must also feel that this delay offered a strong temptation to the ill-disposed, and encouraged persons to present Appeals for the mere purpose of postponing the effects of judgments; as it was obvious, that by moving into the House of Lords they could put off the decision for a term of years. An adversary, by the mere fact of interposing himself between a decree and the beneficial effect of it upon the successful suitor, might deprive him of that advantage and of the justice awarded to him for eleven years. Without therefore enlarging further upon this subject, he would take it for granted that the House must feel that it was the bounden duty of the legislature to find out some remedy for evils of this magnitude. A more important question had not been submitted to their consideration for a length of time, and, much as they had been occupied by weighty affairs, he could not help regretting, that it had not been brought forward at an earlier period. It had been imagined by some that the nature of the proposed measure was merely to relieve the Court of Chancery from the pressure of business; but this was a mistake, as would be seen by reference to the Resolutions of the Peers. The first of these Resolutions was directed to the almost total stagnation of business in that House, and proved that the remedy was not addressed to the Court of Chancery originally, but to this total stagnation of all business in the supreme court of appeal: and the Court of Chancery only came into the second Resolution, to shew that the state of business there was such that, by bringing a remedy from that court, they would occasion as great an evil as they removed. It was, he conceived, the duty of the Commons branch of the legislature, on viewing the proposition before them, to see in the first instance if any remedy could be applied by the Lords themselves by a different mode of executing their judicial functions, without creating any new office. Upon this subject they had the opinion of the Lords in grave decision, and without sacrificing any part of their independence, it would be right to look at the weighty recommendations with which this Bill came to them from the other House. It was founded on a most elaborate investigation, and had the entire concurrence of not only all the high legal authorities who sat in that House, but also of the leading political characters of every description. All parties agreed in the principle and in the detail of the measure, and it therefore came to them sanctioned by all the weight and consideration due to the other House of Parliament. It had been suggested that the Lords might by some new distribution of their duties get over the arrear of causes now before them, and prevent the recurrence of similar arrears in future. To accomplish this it was thought they might sit after the session for the general political business of the country was closed, and continue for a time to discharge their judicial functions. Surely, if there existed an objection to any other mode of remedy for the evil as an innovation, it was evident that in resorting to this

in order to prevent the innovation of creating a new officer, they would be guilty of a still greater innovation upon the constitution. To suppose that the Lords would remain in town, after the other affairs of parliament were dispatched, for this purpose, was a visionary hope, and one upon which no wise statesman would act. Besides, there was a decided constitutional objection against it which was, that it could not be done without trenching upon the prerogative of the crown, in the important privilege of proroguing parliament. It must put the crown into the delicate and awkward situation of either permitting parliament to sit after the national business for which it had been assembled was finished, or of doing injustice to the claimants who were at their bar. As to the House of Lords appointing a committee or delegation of its members, such a measure would also be repugnant to the constitution; and he apprehended that a further sitting of the whole House was not to be expected from its diligence. Indeed they had no right to expect from the House of Lords, that they would depart from their usual habits of sitting; and the evil would not be remedied by it even were their lordships to consent, instead of five months to sit for twice that term, unless gentlemen were prepared to encounter the other evil, namely, that the Lord Chancellor should not be the presiding officer in the House of Peers. Without this, the remedy thus projected would be only to exchange one evil for another, and transfer the arrears from the House of Lords to the Court of Chancery, by occupying the time of the Lord Chancellor in the former, which, during the recess, he now devoted to the latter.—With respect to the project for withdrawing the Lord Chancellor from presiding in the appellant jurisdiction, it was not necessary to go into detail. As far as he had watched the discussions upon this subject, no question had been made as to the separation of the office of Speaker from that of Chancellor, which had been formerly so long litigated and favourably considered by some high authorities, in the noble lord's opinion erroneously, as tending to cast a shade upon the dignity of the presidency of the House of Peers. The first statesmen who had turned their attention to this point, had unanimously agreed in opinion, that such an alteration would derogate from the dignity of the House. It was also evident that no other individual could be found to discharge this laborious duty. No doubt there were several eminent peers capable of performing this, but it was too much to think of building a permanent measure upon the existence or conveniency of peers, not of necessity bound so to devote themselves to the public service. It had been objected to the present measure, that it would tend to alter the habits of the Chancellor, and by confining him to his appellant jurisdiction, deprive him of his Chancery knowledge; but it might be answered, that the confinement of the officer to the jurisdiction in the House of Peers, would equally deprive him of such a knowledge of the equity and practice of Chancery as would enable him to come to competent decisions upon those cases which came before that House as a court of appeal: so that the evil complained of could not be cured without a violation of the principles of the constitution, or the creation of a correspondent evil. If this were true (and the noble lord knew of no flaw in its reasoning,) the question was from what quarter could aid be drawn; and, in his opinion, it was only from that now proposed that aid could be drawn safely and with advantage. The question then was, (there being a necessity to provide some aid in the Court of Chancery) whether it could be drawn from the other courts of law, or whether they must erect a new officer? In the Court of Chancery itself there was a great if not a growing arrear—a great calamity for which there appeared to be no remedy, unless by creating a correspondent evil elsewhere, for if the Lord Chancellor had not called in aid the assistance of the Master of the Rolls, it was only because that could not be done without creating a corresponding evil in the Rolls Court. None of the other courts were in a situation to afford help, but were all so pressed with business that the judges, with all the diligence they used, could not cope with the excess, and discharge their duties fully. The Court of Chancery, too, could only fitly draw aid from a court, the decisions of which rested on similar principles of equity, and were analagous to its own, for though there were upon the benches of the Courts of King's-bench and (he believed) Common Pleas, individuals who had, at a former period of their lives, been eminent in Chancery practice, yet there was no Court in Westminster-hall, except the Court of Exchequer, which acted upon principles of equity; and so far from that

court being able to afford them the aid they required, there had been serious proposals for requiring an additional effective judge there, where the arrear of business was even more pressing than in the Court of Chancery; and the difficulties under which suitors laboured rather called for a legislative remedy of their own, than offered a resource. If the Court of Exchequer could not supply the want, no other court in Westminster-hall could. It was thought impossible therefore, that the remedy could be expected from any of the courts in Westminster-hall. It was very generally supposed, that the measure now proposed would be the means of causing innovations in the mode of conducting business in the Court of Chancery. Nothing could be more inconsistent with the principles on which the Bill was founded, than such a supposition. Such had been the growth of legal business since the two unions which had been so happily effected between England with Scotland and Ireland, and the consequent increase of the industry and wealth of the whole kingdom. If judges had struggled under this press of business so long, it was only a proof of their diligence and zeal, as well as of their integrity. The measure proposed would be the smallest departure from ancient practice, and so little of an innovation, that in lieu of giving the Chancellor the privilege of calling in the assistance of the nine puisne judges, together with two masters in Chancery, as he now might do, it gave him a permanent instead of a temporary assistance. It was a mere change to this extent. The Chancellor had now the privilege of calling in the assistance of the Master of the Rolls; and when he assisted the Chancellor, he was as much under the direction of the Chancellor as the judges under a commission, or the Vice-Chancellor proposed. The object of the Bill was to afford to the Lord Chancellor a permanent, instead of a temporary assistance in the transaction of, the business of the Court of Chancery. The affording assistance in the transaction of business, certainly did not imply any innovation in the mode of transacting it; and the very reverse of innovation was the object of the measure then under discussion. The functions of the officer whom it was proposed to appoint, were not different from those who were appointed commissioners, and he repeated it, that when the Master of the Rolls was able notwithstanding the pressure of his business to assist the Lord Chancellor, the assistance which he afforded was not different from that which would be given by the new officer. The objection which was made, by comparing the evil which the Bill would produce with that which it would remedy, instead of really operating against the Bill, was a powerful argument in its favour. For after a fair comparative view of the two evils, the magnitude of that which it remedied, was so strikingly contrasted with the diminutive nature of the evil which it could produce, that there was little room for hesitating to decide in favour of the Bill. He had formerly mentioned that the present measure would not cause any additional expence to the public, though it would be productive of so great benefit to the suitors in Chancery. It had been alleged that it would, but he should be able to satisfy the House that it would be no such expence; and the question for the House was, whether, with these advantages to the suitor, with the removal of the evil complained of, and with no better plan proposed, the House should hesitate to send this plan to a committee to be examined more in detail, and to advise upon any better measure which should present itself. One half of the expence of the office would be charged on the profits of the Lord Chancellor, in the business of the court; the other half was to be taken from what was called the dead cash, or suitors' fund, the annual revenue of which, at that time, was 9,000*l.* The revenue of that fund had, on various occasions been applied, under the authority of parliament, for analogous purposes, and could not certainly be devoted to any better use than the support of that officer whose appointment was in contemplation. The fund consisted of unclaimed monies in Chancery, which had been suffered to accumulate at interest. The salaries of the Masters in Chancery, and of superannuated masters and other officers, were paid out of it; and the income of 9,000*l.* per annum, to which he had alluded, was its present clear revenue unappropriated. Thus, as far as related to economy, there could be no objection to the Bill. It had been said, that there were other means by which the object of the Bill could be more effectually attained, than by the adoption of the measure which it proposed. And one of those means was, to take away the management of the bankruptcy business from the Lord Chancellor. Without

taking into consideration the fundamental principles, that this business should not be separated from the Lord Chancellor, and even allowing that it might with propriety be taken away from him, still it would be necessary to have a Vice-Chancellor. For as to the particular jurisdiction of the bankruptcy business, none required greater attention on account of its difficulty and its intricacy. It was so particularly important in a commercial country, that it would be highly dangerous to trust the decision, on business of such weight, to any authority subordinate to that of the Lord Chancellor. To separate, therefore, this branch of business from the office of Chancellor, would be to remove that function, which, in his opinion, was most essential to it, and would have a tendency to separate the equity of Chancery, from the equity of the country. It had been objected that, in the distribution of the business in the Court of Chancery, the Bill enabled the Lord Chancellor to direct the whole at his pleasure; that he might allow the Vice-Chancellor to decide upon matters of such difficulty, that no authority short of the Lord Chancellor himself, should have been allowed to make a decision; or that he might only intrust to him causes of minor importance, and that such a power would degrade the character of the new magistrate. To this he would answer, that the possible abuse of a practical good ought not to be alledged as an argument against it, and that it ought on the contrary, to be presumed that the discretion thus vested in the first law officer of the country would be soundly exercised. He contended that the argument was untenable, because it went upon the abuse, and not the use of the measure proposed. It was needless to speak at large on the impropriety of supposing, that any man who should be vested in such an office as that of Lord Chancellor, ever could be guilty of such a breach of all the ties of duty and of honour—that he could ever so far abuse the power with which he was entrusted. Much had been said about the multiplicity of appeals which would be caused by the adoption of the measure before the House, and the creation of an intermediate jurisdiction. But it was too much the interest of the suitors to have their causes quickly decided, to be supposed they would venture on the tedious repetition of their suits by making appeals against the decision of any judge, particularly of such an officer as the Vice-Chancellor, and it might be added, that the Lord Chancellor would have the power to put at once before himself such causes as were most likely to be made matter of appeal. At any rate, the objection did not apply with greater force here than it did to the courts of the Master of the Rolls, and the puisne judges acting under a commission: and surely the power of distributing business was such an additional instrument of discharging the great functions of the office, as counterbalanced the evils arising from the presumed increase of appeals. It had been urged, that the measure would transform the Lord Chancellor from the first law authority in the kingdom, to a mere state magistrate, and this was said on the suspicion, that he would intrust the decision of matters of importance to the Vice-Chancellor. Never was there an opinion more unfounded, nay (without disrespect he said it), never more absurd, than to suppose a Chancellor would abdicate his judicial character; the honour and responsibility of the situation were sufficient security against such an event. If the principle of arguing on suspicion were carried to any length, there was no reason why lord Ellenborough should not withdraw from the execution of the duties of his situation, and intrust the functions of his office to his assistants. Certainly lord Ellenborough was only bound to the performance of the duties of his office, by the ties similar to those which bound the Lord Chancellor, and he knew of no law which prevented his withdrawing himself entirely from the court; yet would any man alarm his mind with the possibility of such an event? Was it not a suspicion equally chimerical, to suppose that the Lord Chancellor would walk about the streets doing nothing, and leave his business to be transacted by his Vice-Chancellor: nor was it less unlikely that he would absent himself from parliamentary causes. It would be wrong in the House to legislate on such principles. In Ireland business was so arranged that the Master of the Rolls afforded the same assistance to the Lord Chancellor which was here proposed to be given by the Vice-Chancellor, and this arrangement was made, in consequence of a Bill which he had brought into that House. When that Bill creating such regulation was first proposed, objections had been made to it, similar to those now started to the Bill before the House. The object which both the Bills had in view was similar, namely, to

provide an auxiliary instrument to the Lord Chancellor, and it was then said, as now, that the Chancellor (lord Clare) would become a mere state-officer. The best answer to this objection was furnished by the conduct of the four distinguished persons who had since that period filled that high situation. Not one of the eminent characters had ever withdrawn one moment of their time from their judicial business for political purposes, or ever used the assistance of the Master of the Rolls except as an auxiliary. Experience proved that the object had been attained in the case of the former Bill, so that it was but rational to conclude that the object should be effectually accomplished by the Bill then under the consideration of the House.—Some persons had said that the whole expences of the office of Vice-Chancellor should be charged upon the emoluments which the Lord Chancellor derived from the business in the Court of Chancery. That noble lord had stated, at the very commencement of the enquiry, that he wished for no profit which was not purchased by beneficial labour; yet when the importance and dignity of the office were considered, and when the magnitude of the labour attendant on the execution of the duties of it were duly estimated, it would be found to be but reasonable that the Lord Chancellor should reap the fruits of his honest labour, and should live with becoming splendor. He should have the means of providing for his family, for it was to be remembered, that there was much risk and uncertainty in the time during which it might be his fortune to continue in office. The pension of 4,000*l.* to ex-chancellors was by no means sufficient of itself for this purpose, and it should be remembered that there were many distinguished noblemen, who owed the origin of their rank, and the wealth of their families, to the provision which their ancestors had been able to derive from their dignified labour, while they had filled the office of Lord Chancellor. It seemed to be reasonable that this office should be endowed more liberally than any other; and that its income should not be looked upon with jealousy. It ought to be so considered, because it was liable to greater cares and to more political uncertainty than any other judicial situations which were held during life, at least during good behaviour. Under these circumstances he hoped that the House would not think of making any encroachments upon the revenues derived by the Lord Chancellor from his office. The measure, therefore, being charged with no public expence, calculated as it was to remedy two evils, and coming recommended as it did by the sanction of all the legal characters in the upper House, seemed to be of such a nature that all parties would allow it to go into a committee for further consideration. His lordship concluded by moving the order of the day for the second reading of the Bill.

Mr. *Bankes* rose and observed, that the noble lord had endeavoured to render his measure agreeable to one portion at least of the House; and to none more than himself, by stating that it would be attended by no public expence. Highly, however, as he prized this part of the scheme, he could not approve of it unless it had other distinct merits. In all matters of innovation, two things were to be considered; first, whether the evil were of an alarming size; secondly, whether the remedy was likely to be efficient, and answer its purpose. In the present case, he allowed, that a deplorable evil existed; the grievance was of such a nature, that though justice was supposed, proverbially, to exalt her head, and flourish in this country, yet the delays of her administration had been such as to come little short of a denial. Yet he should do wrong to rest satisfied with a remedy that was not at once comprehensive and constitutional. If the Bill intended merely to provide a temporary remedy for a temporary pressure of business, it might, perhaps, with some modifications, be more generally agreeable; but when it was proposed to introduce a permanent innovation into the administration of justice, the House should pause, unless it were demonstrated, that the remedy provided was the best possible remedy. It might be said, that a pressing grievance required a speedy remedy; but in his mind, the time would be well spent, and the delay wisely protracted, which should be dedicated to the consideration of a measure more calculated to answer its purposes, and less liable to objections on constitutional grounds. His opinions were sufficiently known on the subject of economy; but whenever economy alone was opposed to measures of a more substantial nature, it ought undoubtedly to give way. His objection to the present Bill was, that the remedy proposed would be found totally insufficient for the purpose for which it was intended, and it was

a most deplorable state for a country like this to be in, that the delays in the Court of Chancery and House of Lords were such as to amount almost to a denial of justice. It had been stated, that the project came recommended by all the gravity and knowledge of the upper House. That branch of the legislature had thought proper to discuss the principle of a measure which he had sent up to them, and he should now hold himself at liberty to examine the wisdom of the principles on which the present Bill was founded. He should first examine its preamble. Although the House of Peers there stated that Writs of Error, and Appeals to parliament, had greatly increased in their House; and although they stated that the delay was heavy on the suitor, and was a stigma on the justice of the country, there was not one word as to how they were to be enabled to attend more frequently to that branch of their duty; but as a remedy, they said, they would relieve another person in another court. But, provided the House were to adopt this measure, had they any power to procure the attendance of noble lords? It did not appear that they would have any reasonable expectation of a better attendance in that House than in times past. The noble lord who presided had no power to compel the attendance of the Lords. He had not found the other peers as yet willing to co-operate with him: Would attendance be more palatable, because more frequent? In that House (the Commons) they were obliged to compel the attendance of the members; but he believed the House of Lords did not exercise any such power; that the summons sent on some occasions, was a mere matter of form which their lordships might either obey, or not, as they pleased. But the House of Peers might also enforce the attendance of their members, and the arrear of causes required a much more diligent attendance. At present there was no regular mode of enforcing their attendance: they attended in consequence of a summons if they pleased, and neglected to attend if they pleased. The House of Lords was scandalously dilatory. It was in the recollection of many persons now in that House (who were managers of the impeachment of Mr. Hastings), how small a portion of time was allotted by the House of Peers to that trial, although the eyes of the country were upon them. The delay was to the debasement of the justice of the country, and it was now impossible to carry on an impeachment on any complicated question. The author of this Bill had so far forgotten the privileges of that House, as in a publication of his, to make a charge of delay upon it, and to state, that the conduct of the House of Commons was reprehensible, and all the loss of time on the Bill was to be attributed to them. This was an indignity upon that House, which would not have been borne in better times. But they had not lost any time in proceeding with the Bill. The consequence of the proposed alteration would be, that the business of the Court of Chancery would be done by a person inferior in learning and abilities to the present Lord Chancellor, and that the business of Appeals would stand still as at present. In a short space of time it would make the Lord Chancellor a less effective officer than he now was. It might be depended on as certain, that men in general were not very ready to do what others would do for them. The Lord Chancellor would therefore, in a short space of time, be in a different situation from that in which he had been for many years. In seeking a person to fill that situation hereafter, the first lawyer would not be sought out, but the first politician in the country. If the Chancellor were to excel as a politician, and be admirable as a debater, he would naturally think that he might safely leave the decision of causes to persons with more legal skill but less ability as debaters. He would have, no doubt, the assistance of the two ablest lawyers, as his Master of the Rolls and Vice-Chancellor, and on them the admirable debater and party-man would repose for the execution of his legal duties. By such a plan, the Chancellor would not gain any time for hearing Appeals, but would have less. This was a great objection to the Bill.—It was intended that every part of the business which was to be transacted by deputy should be open to appeal. To whom? To the Chancellor himself, a considerable portion of whose time was consumed in the present state of things by Appeals from the Rolls. And it could not be supposed that there would be fewer Appeals from the Vice-Chancellor, who was to be an officer inferior to the Master of the Rolls, and with whose decisions it could not be expected that suitors would be better satisfied than with the Master of the Rolls at present. It was impossible to find a man for the situation of Vice-Chan-

cellor of more learning, talents, or weight, than the Master of the Rolls, and it was therefore evident that by the creation of this new officer a multiplication of Appeals would be created, and this was a great evil, from the additional expence and delay which it must occasion.—The consequence of such appointment would be, that those questions which at present were settled before the Chancellor, for the most part finally, would first be heard by the Vice-Chancellor, and then be brought by appeal before that learned lord, and thus the appointment would be attended with great additional expence, and would not relieve the Chancellor. In his opinion, there were other resources, besides those narrow remedies to which it was wished to confine the measure. He did not see the same radical objections to the separation of the office of Speaker of the House of Lords and Lord Chancellor, which the noble mover did. He did not mean to say that this was desirable, but there might be circumstances sufficient to render it necessary as a temporary measure. He knew that Mr. Pitt had at one time an intention to introduce such a measure, although he had not thought fit to proceed. Why he afterwards departed from his intention of carrying it into execution, he really did not know; but his authority was as good perhaps as that of the noble lord. The House of Lords were not in the same situation as the other House, with regard to the appointment of a Speaker. There was no necessity for their having a particular person in the chair, as was the case with the Commons. They frequently appointed a temporary Speaker under peculiar circumstances. Lord Mansfield frequently presided in the House of Lords, and when the great seal was in commission, a Speaker was always appointed temporarily. To him it appeared, that the Lord Chancellor might receive more assistance in Chancery from that eminent person the Master of the Rolls than he did at present. He might be allowed to decide causes there in the absence of the Lord Chancellor in the House of Lords, and sit in the Court of Chancery while the chief officer of that Court was engaged in hearing appeals. Were there not, too, matters of course which occupied a great portion of the valuable time of the Lord Chancellor, that might be discharged adequately by existing officers of the Court? There were no doubt cases in bankruptcies of a very complicated and difficult nature; but it was not precisely the fact, as was stated, that bankruptcy causes in general required all the talents of the learned lord. If a new officer were appointed, he should be appointed to some great branch of what belonged to the Chancellor, by which the Chancellor would be really relieved. There were many persons practising in the courts of law and equity fully adequate to the determination of such matters, and fully equal to grapple with and discharge those duties. He could not understand what the noble lord meant, by saying there was an intention of adding a fifth judge to the Court of Exchequer. It might add to the wisdom, but could not add to the number of decisions of the Court.—In appointing a person to a situation which was to be not superior to that of Lord Chief Justice of the Court of King's Bench, but superior to the office of Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, he would not begin by degrading him. But the present Bill did not make him a deputy, but a drudge. He was obliged to sit when he was ordered to do so, and was not permitted to do any thing of his own will. They were alarmed, lest he should break the trammels with which they have surrounded him. This unfortunate man could make no order, no decree, without the leave of the Chancellor,—could not revise, or over-rule any thing done by the Chancellor, without special authority,—and was to obey such orders as the Chancellor had already made, or should hereafter make. He was to receive little emolument from his master, the Chancellor, who appeared to have given little, and to have retained much.—Here the hon gentleman proceeded to quote certain passages of the Bill, by which the Vice-Chancellor was discharged from officiating, unless specially authorized by the Lord Chancellor, and by which he was to proceed at such times and in such manner and form as the learned lord should think fit. He was also to be paid like a drudge who did all the work and got very little pay from his master. He thought that the person who filled the office of Lord Chancellor ought to be liberally, nobly, and honourably paid, not only to enable him to support his exalted situation in splendour, but to secure such a provision for his children, as would enable them to appear as the children of a peer. He did not say that the Lord Chancellor was at present too

liberally paid. But the portion which was allotted to the Vice-Chancellor from the emoluments of the Lord Chancellor was altogether so small and niggardly, that it would be better to take nothing from him at all, and that a suitable provision should be made from some other source. Before he concluded, he wished to suggest whether the taking away intermediate appeals from the Master of the Rolls might not be a measure that would be attended with beneficial consequences? There was one argument, too, against the offices of Chancellor and Speaker of the House of Lords being vested in the same person, which was deserving of notice. In all appeals to the House of Lords from the Lord Chancellor, the Lord Chancellor was of all persons the last who ought to sit in that House as the presiding and most efficient judge. The hon. gentleman concluded with moving as an Amendment, That the Bill be taken into consideration that day six months.

Mr. *Macdonald* observed, that the Bill professed to be the best remedy that could be devised for an evil felt to exist, the stagnation of the legal business in the House of Lords. And what was this remedy?—to completely new model the Court of Chancery, a court, the transactions in which were so deeply interesting to the public. With respect to the delays which had taken place in the Court of Chancery itself, and the consequent arrear of causes, they were ascribed by different people to different causes: while some attributed them to the indecision of the noble and learned lord now at the head of that court, or to the interruption which he experienced from his political and other avocations—avocations unprecedented in former times, and even in the earlier part of his own time,—others traced them solely and exclusively to the general increase of business in the Court of Chancery itself. He would abstain from comparing the number of decrees made by the present with the number made by former chancellors; but he would compare the remedies proposed for the existing evil. Undoubtedly, the conception of the Bill before the House was not very profound or ingenious. If any mechanic, who had more orders than he could execute, were to complain to his neighbour that he had more business than he could attend to, the answer would certainly be, "get a journeyman:" and what more did the present Bill propose; but that which might be very suitable to an ordinary case was quite inapplicable to the delicate and important functions under consideration. The question was, from what part of his duties the Lord Chancellor might be relieved with the least risk to the public service? Why had the Chancellor been always considered as the highest individual in the profession?—because the law of the Chancery Court was *lex non scripta*: it was a law created by the presiding power in the court. It was, therefore, that individuals, the most distinguished for their profound legal acquirements, had always been selected to fill that high office. A long and continuous chain of these illustrious men, by supporting and confirming their mutual decisions, had succeeded in erecting a system by which they had established the property of the country, and secured to it a code of equity pure and unrivalled. If parliament were to break through this prescriptive wisdom; if they were to dismiss from the Court of Chancery the mace and the great seal; to overturn every thing that had been achieved, and substitute some inferior authority, who could foretell the dangers that might ensue: And, let the amount of these dangers be what it might, was it evident that the object of the Bill would be effected? The supporters of the Bill were placed in this dilemma:—if there was to be no appeal from the new officer about to be created to the Lord Chancellor, then would arise the evils of submitting such a jurisdiction to an inferior legal authority. If there was to be an appeal, on what rational ground could the House suppose that any one would be satisfied with a decision of less weight than that of the Chancellor, and therefore how would his business be lessened? In the one case, therefore, the Bill would prove mischievous, in the other nugatory. It would afford no relief, or it would be productive of two delays instead of one; the oracle would be got at at last. In his opinion the bankruptcy, which had little to do with the Chancery business, might easily be separated from the duties of the Lord Chancellor, and be entrusted to some other tribunal. Any common law judge was adequate to discharge this part of the duty. From the time of Henry 8, to that of James 1, it had been under the superintendance of privy counsellors. At the present day it occupied a fourth, some said even a third of the time of the Chancellor: and if it were not for this, they

would have no occasion to be now discussing the merits of the Bill in question. The hours so taken up might be most advantageously employed in what a noble and learned lord (Redesdale) had justly termed the "proper" business of the Court of Chancery as a court of equity. If any difficulty existed with respect to persons competent to this office, he thought it might easily be removed. He agreed that the judges of the courts in Westminster Hall were already sufficiently occupied; but there were the Welsh judges, of any one of whom it might be fairly said, that he was helping the other to do nothing. There were eight of them—four of whom, he thought, might well be spared to conduct the bankruptcy business, while the other four were amply sufficient to discharge, without inconveniency, all the judicial functions in that country. It might be urged that the Lord Chancellor derived a large portion of his emoluments from the bankrupt cases. It was so; but this was a precarious and most undignified source of revenue, and he was persuaded that parliament would compensate that great law officer for any injury that he might sustain, in consequence of a new arrangement, and the country would not think him overpaid for his important services, by a salary of 16 or 18,000*l.* Such a sum was indeed necessary, in order to enable him to maintain that salutary splendour demanded by his exalted station. The measure he had proposed, he recommended not as the best possible measure, but as one infinitely preferable to the present. He was convinced that there were various modes by which the existing evil might be fully met. Parliament were not compelled to take the nostrum prescribed to them, or submit to the continuance of the disease. He had no faith whatever in the proposed specific: but if the only alternative was, to adopt the Bill before the House, or to allow the continuance of the present delays, much as he lamented the latter, as deeply injurious to the interests of individuals, and nationally disgraceful, he would not consent to purchase an exemption from them at the price demanded. Let the House contemplate the situation of the officer to be created by the Bill. Instead of being an independent judge, he would be subject to the will, pleasure, humour, and caprice of another: he would have his daily task set him. There was not a sheriff or a coroner in the island, who would not occupy a prouder station than this Chancellor's drudge, with his train-bearer, and all his paraphernalia. He would be a new character in the constitution—a vassal judge! a judge, whose duties would be prescribed to him by another! These were harsh sounds in Great Britain in the 19th century; and besides, what a precedent would thus be afforded! If any arrear of business should, at a future period, accumulate in the Court of King's Bench, on what pretence could parliament refuse to the great legal luminary of that court his judicial satellite?—By acceding to the Bill on the table, the House would give to a subject a power which had been withheld from the sovereign, and would declare, that that which was considered dangerous in the hands of the sovereign, became safe when placed in the hands of one of his servants. Such, he conceived, would be the necessary operation of the Bill, which he felt it his duty to oppose, from the firm conviction, that it would impair the purity of the administration of equity, and pervert the integrity of the dispensation of justice. He hoped and trusted, therefore, that the House would agree to the amendment proposed by the hon. gentleman who had preceded him.

Mr. *Stephen* observed that the light manner in which the question was taken up, appeared to his mind not at all consistent with the weight and magnitude of the subject. From the consideration of the facts contained in the reports, and which other gentlemen had not perhaps brought into a proper focus for their observation, it appeared to him important to draw the attention of the House to the magnitude of the evil which it was the object of the present Bill to remedy. The delay that necessarily followed from the over pressure of public business was acknowledged to be so great as to amount, in some cases, to a denial of justice. This was a grievance to which no British subject ought to be exposed. Let them look to the state of the case. There were not less than 273 appeals now depending before the high and supreme tribunal of the country, one of which was hanging over, without decision, for not less than 20 years; seven for 11 years; 39 for above seven years; and 77 for above five years. From a calculation made in 1810, the average number of Appeals decided annually was 10, and, on that principle, what with new Appeals, it would take 46 years before the whole could be disposed of. This denial of jus-

tice was dreadful; yet it had been known to that House for two years, and no proposal had been made to apply a remedy by those gentlemen who opposed the present measure. If any gentleman then present was at all inclined to commiseration, it must be called forth in such cases, in which might be involved the dearest interests of whole families, and in which, after trying every mode of settlement, it was, after all, at the option of any opponent to embark in a contention, in which at least 20 years might elapse under an incapacity of knowing whether the fortune for which he contended, however justly, was to come to a man or not. In the supreme court of judicature the evil was much greater than in any of the inferior courts. It appeared from the same return to which he alluded, that the Appeals entered amounted to not less than 400, and that an increase of 204 had taken place within 10 years. If the business were allowed to go on in this manner, it would have this effect, that Appeals would never be brought upon fair and reasonable grounds; but that any party, desirous of delay, could adopt no better means for that object, than by having recourse to an Appeal. It was impossible to state a case which called more loudly for a remedy. The evil was allowed to exist; and yet the remedy proposed for it was opposed, and no other offered as a substitute. If gentlemen were so very inimical to the appointment of a Vice-Chancellor, he would ask what substitute had they to propose? They could not propose that judges, who had already more than an adequate task to perform in their respective courts, should be the substitutes for the Chancellor. When he considered the intense application, the great labours, and the eminent talents requisite to fulfil the duties of those who presided over the administration of justice, he would not hesitate to say, that he had cause to lament the parsimony of the country in the appointments and rewards of judicial characters. He was surprised at his hon. friend saying that it was not his duty to propose any such remedy. He stated, indeed, a variety of expedients, but did not select any in particular. He would notice some of his hon. friend's expedients. One was, that a better attendance in the Lords, together with the assistance of some Ex-chancellor, would supply an adequate remedy, but by what means was an Ex-chancellor to be required to sacrifice his time? And even though that could be done, the same inconvenience would follow which was objected to the present Bill. He spoke of the danger of appealing from a more experienced to a less experienced officer. The very same objection applied to the assistance of an Ex-chancellor, who, perhaps, for ten years before, was not in the habit of hearing any such Appeals. With respect to the compulsion of the Lords to attend, it would be rather singular if a Bill were brought into that House for such an object. In the days appointed for the decision of Appeals, it was stated, that the Lord Chancellor could not procure a sufficient number of lords to proceed to business. He doubted whether such attendance could be procured, even in that House, at so early an hour as 10 in the morning. With respect to another remedy alluded to, of separating the duties of the Chancellor, the inconvenience of such a measure, he thought, was very obvious; and the separation of the bankrupt jurisdiction was the very last that should be attempted. Were gentlemen aware, that from the Chancellor's decision in bankruptcy there was no appeal? As to the suspicion of neglect of duty which would follow from the division of the duties of the office, it was without any foundation. The exercise of great talents and great power carried its own recommendation with it. There was no such character as an idle judge. All the other courts were in arrear, as well as the House of Lords, though the judges were of all men the greatest drudges in business. But besides this, the Lord Chancellor and his assistant might sometimes lay down the rule in different ways, which would introduce the utmost uncertainty and confusion. The decrees of the Chancellor in bankrupt cases, were for very good purposes considered final; and such an innovation as that alluded to must be extremely dangerous. Did they not know that there were failures in trade now, not to the amount of 20 or 30,000*l.* but sometimes to the amount even of 1,000,000*l.*? In such cases no appeal was allowed, because the distribution of the property of the bankrupt might be suspended by that means, and an enormous mass of property be kept in abeyance, which must be the source of incalculable mischief to creditors. Such a remedy was the most inadmissible of all, and he would say even the most absurd. In former times it was no uncommon case for the puisne judges to be called in, for the

purpose of assisting the Chancellor, and if lord Eldon did not call them in to his assistance, it was because they had sufficient business in their respective courts. He denied that it was any infraction of the constitution to introduce the present measure; and instanced the increase of the number of judges in the court of Common Pleas from three to six after the Charter of king John down to the reign of Henry 8, as a precedent. Neither had the judges of the present time the leisure which they formerly enjoyed. Sir Matthew Hale could find a season of relaxation from his judicial functions in which to pursue his studies and amusements, but no judge upon the bench could now allow himself any such indulgence. He regretted that the law establishments in the country were insufficient for the mass of business, and that the time of the judges was too much occupied in their duties. Here he begged leave to call the attention of the House to a book which he recently had occasion to read, and which, in point of authority, maintained a distinguished and undisputed rank. He alluded to the work written by sir W. Fortescue, in the reign of Henry the 6th—"De Laudibus Legum Angliæ." That author stated, that only three hours, from eight to eleven in the forenoon, were occupied by the courts in the administration of justice, the rest of the time they spent either in the study of the laws or in reading the scriptures. If such a system were to prevail, what would become of the due administration of justice at present? How very different would be the situation of lord Ellenborough! The truth was, that with the progress of time circumstances had essentially changed, which required an alteration in the constitution of the authorities of the country. In fact, the number of judges remained the same, though the business had increased out of all proportion. Soon after king John's Charter, the number of judges in the King's-bench was increased from three to six; and in after times five judges frequently sat in the Common Pleas. The measure now proposed, was not a greater innovation than those to which he alluded. As matters stood at present, there was reason to apprehend, that causes would be too hastily decided, and haste was generally, or at least often the parent of mistake. This was also, in a great measure, the situation of the common law courts. It was said that the supporters of the Bill had shifted their ground, for that the evil to be removed was said, at one time to exist in the Court of Chancery, at another time in the House of Lords. It was not asserted by any person that there was not a great increase of business in the Court of Chancery. The suitors' money in that court had increased from 1,000,000*l.* to 35,500,063*l.* seven million of which had arisen since the year 1800, and ten million since 1780. The commercial business depending in that court did not amount to less than 25,000,000*l.* This was not even an adequate representation of the fact. He hoped the House was now fully persuaded of the evil of delay, and that they would see the necessity of appointing an assistant to discharge a part of those burthens which had nearly doubled since the time of lord Hardwicke. A remedy was absolutely demanded by the circumstances he had stated, and he trusted gentlemen would feel the necessity of applying it where it was most wanted. For his own part, he entirely approved of the measure offered, and concluded by observing, that he was persuaded whoever had the proposed jurisdiction vested in him would add dignity to the office.

Mr. *W. Courtenay* opposed the present Bill, to which he had the most serious objections. He did not deny that the evil existed, and that a remedy should be applied; but he thought it should be more efficacious than that proposed by the Bill, which was much more extensive than the nature of the case required. He would now assume, whether justly or not, that the remedy proposed was two-fold: one for the evil said to exist in the Court of Chancery, and the other for that said to exist in the House of Lords. With respect to the first, it was not easy to state how far those invested with the highest judicial functions could or could not, ought or ought not to conform to the judicial character. The different other expedients which had been suggested, had their apology in the taunting manner in which those who opposed this Bill had been called upon to substitute some other project in its place: and, therefore, he would suggest a remedy that had not hitherto been mentioned. In the House of Lords great part of the appeals, at least four-fifths, were from Scotland, and in cases where the decision must turn upon the facts, and not upon the law. The appeal in those cases was from a jurisdiction which had an opportunity of knowing the facts, to one which had not such an opportunity. Most lawyers, he believed,

found it difficult to see why an appeal, in matters of fact, was necessary to a higher tribunal. In England the Appeals were only upon questions of law, and many of the most eminent lawyers thought that this regulation might with advantage be extended to Scotland. If this were done, a great proportion of the Scotch Appeals would be cut off, and the pressure would in a great measure be withdrawn, while some temporary expedient might be adopted to get rid of the present arrear. This was not the proper time, nor did he feel himself competent to propose a remedy, he merely alluded to a mode by which great assistance could be rendered to the justice of the country. With regard to the observation of his hon. and learned friend near him (Mr. Stephen) that it might be difficult to procure the attendance of the members of this House at so early an hour as 10 o'clock, he reminded him, that several bodies of the members did actually sit at that hour upon committees, and he saw no good reason why the Lords should not also enforce attendance at an early hour, if necessary for the purposes of justice. But if it was really impossible to procure such an attendance, how did this Bill remedy that evil?—He next called the attention of the House to the state of the arrears in the Exchequer, which was as formidable an evil as the arrears in the Court of Chancery. This being notorious, it would be unworthy of the legislature, when employed in providing a remedy for an evil of this nature, to pass over the state of the arrears in the Exchequer, without notice. A general comprehensive remedy ought to be applied; this narrow measure was utterly inefficient. It hardly created a judge at all. It was an intire innovation, in point of principle, in the administration of justice; for when a suitor set down his cause for the purpose of having the opinion of the Chancellor in the first instance, it would depend upon the arbitrium of the Chancellor whether the suitor should have it or not. With regard to the separation of bankruptcy causes from the other business of the Court, he was far from agreeing with those who thought that such a separation would yield no material relief. He was convinced it would; for the business in cases of bankruptcy now constituted a very considerable proportion of the whole business of the Court.

Mr. *Smyth* thought it was incumbent on the House not simply to ascertain that the evil existed, but to inquire into the nature, extent, and origin of it. In doing this, they would find that the evil in its present magnitude arose from the number of Appeals from Scotland. Why, then, not advert to this fact, and look for the remedy in the country from whence it came, in a reform of the Scottish law. It was true that out of the whole number of Appeals, the enormous proportion of 4-5ths were from Scotland. From the first report it appeared that out of 253 Appeals, 200 were from that country. The Bill, in his opinion, was prematurely brought forward. Two acts had been passed which must contribute to lessen the number of Appeals from the Court of Session of Scotland. The operation of these acts could not be yet sufficiently known, and it was on this account that he considered the Bill premature. It was not known, nor could it be yet known, whether the evil proposed to be removed was temporary or permanent. He could not look upon the Bill as tending to less than a dissolution of the first judicial officer of the country. With respect to the Appeals in the Lords, 19 out of 20 were merely vexatious, and many of the Scotch Appeals were merely on account of delay The attendance of a sufficient number of lords could, in his opinion, be secured by a compulsory order of their own. It was said that the increase of business in the Court of Chancery and the House of Lords, arose from the increase of wealth. For his part, he thought it depended more on the unsettled state of the law, and on the distresses of the nation. He conjured the House not to loosen the only tie which bound the Chancellor to the people. The number of motions did not, in his mind, furnish any reason for the delay in passing from one to another. It was well known that any sudden check to wealth, particularly to commercial wealth, occasioned an increase of litigation. It was asserted, that no mischief could arise from thus withdrawing a part of his duties from the Chancellor. It would at least lessen his intercourse with the public; and that daily and hourly intercourse was, in his opinion, one of the most effectual means for preserving him in the discharge of those duties.

Mr. Serjeant *Best* thought there was no measure more likely to produce the desired effect than that now before the House. It was said truly from the opposite side, that the number of Appeals

amounted nearly to a denial of justice. The hon. gentleman who spoke last, thought that a permanent remedy was not necessary, because there was a probability that the Scotch Appeals would be considerably lessened; but he did not consider the great number that was already depending from that country, and that those from Ireland were to be added, which amounted at present to 52. He saw no likelihood that Appeals would decrease, because litigation always augmented with the augmentation of property. It was said, that this Bill would alter the character of the Chancellor; and that he would become, in consequence of it, nothing more than a state officer. But the House should not forget the weight of legal duties that would still remain upon him—that he would sit for the discharge of business three days in every week during the session of parliament, and every day when parliament was not sitting. With respect to the separation of the business of bankrupts from the Lord Chancellor, it was liable to most grave and insurmountable objections. If his bankruptcy jurisdiction were to be withdrawn, no greater innovation could be introduced; bankruptcy proceeded from the great seal, and to change it would be to introduce a change in the original jurisdiction. Another reason against such an innovation was, that in cases of bankruptcy there ought to be no appeal, from the necessity there existed of distributing as speedily as possible the property of the bankrupt. They could not, therefore, entrust this most important function to an inferior officer, or place the decision of so great a mass of property in any hands less elevated than the first law authority of the state. Upon these grounds, he thought nothing better could be at present proposed than the Bill before the House, and he would therefore give it his support.

Mr. *M. A. Taylor* observed, that no notice had been taken in the House of Lords of the arrears of business in the Court of Chancery previous to a motion which he made about two years ago. He did not then propose his plan as a perfect one, but as one which might be improved. The great delay of justice, he affirmed, at that time, was, in fact, a denial of justice. Lord Mansfield formerly sat for lord Thurlow, as temporary Speaker of the House of Lords; and why might not a temporary Speaker be now appointed? In his opinion, it became the House to repel an insinuation which had been thrown out against them as the Commons of England, which imputed to them some of the delays which had taken place. He declared it to be his intention to vote for postponing the further consideration of the Bill. This measure, he contended, would be attended with inconveniencies which might have been avoided had the course been pursued, which, on a former occasion, he had recommended. He thought it would be well for the House to pause, and to consider if some more effectual remedy could not be devised. The present measure was so inadequate, that had he not known from what quarter it came, he should have imagined it had originated with some country attorney, who had never seen the Court of Chancery. If any lawyer would take upon himself to say the Bill before the House would remedy the evil complained of, he would vote for it. [An hon. member here called out "I will."] Mr. Taylor, however, declined taking his opinion on the subject, and stated the impression on his mind to be such, that it could not be removed by the decision of all the Courts of Westminster.

Mr. *Canning*, thinking it inexpedient that this Bill should pass into a law, was desirous of stating his objections to it; and should do so very briefly, as the arguments which had been urged in favour of the Bill were so few in number, and so small in measure, as to require very little refutation. It seemed to be maintained, that the members of this House were not fit judges of such a question. If that disqualification were supposed to apply generally, much more forcibly must it apply to those members (of which he was one) who could boast of no means of forming a judgment but plain sense unadorned with legal learning. He must however protest against any such plea in bar of their discussions; and must deny that the lay part of the House were implicitly to adopt the *dicta* of certain learned personages in matter not of law, but of regulation. He yielded all respect possible to the House of Lords, but could not consent to pass the Bill they had sent down without examination. Some considerations indeed there were which might perhaps tend to diminish in this particular instance the general respect due to the authority of their lordships. It appeared, on the very face of the Bill, that it arose out of arrears in their lordships' jurisdiction. They might be better judges of the extent of the evil;

but if the evil lay with them, the Commons ought not to exercise the less jealousy in examination of the remedy proposed.

A learned friend of his had set out with rebuking an excess of levity, and a want of grave consideration on this subject; but he should have been aware, that the sources of ridicule were not merely in things which were in themselves ridiculous, but also in the attempted approximation of things which were in themselves irreconcilable,—in the comparison of lofty pretensions, with paltry means,—in the contrast of magnificent promises and prospects with the total inadequacy of the mode suggested for following up and realizing them. If the Bill was to be considered as the result of all the experience and wisdom of the other House, undoubtedly on that ground and in that character it was to be received with the greatest reverence; but it was found that all this learned labour had only produced an office, which the legal profession must treat with contempt; then in spite of all pre-possessions in its favour, the ridicule against which his hon. and learned friend protested, might blamelessly or rather must infallibly attach to it.

The Bill said, that whereas great arrears had been accumulated, it was necessary to do so and so. The diminution of this accumulation might, to be sure, be accomplished in either of two ways; by clearing the reservoir at once, or by impeding the channel whence it was constantly supplied with so rapid a current. The Bill appeared to follow the latter of these two courses. Its most obvious and certain effect was to occasion all the causes in Chancery to be tried twice over, a process which must necessarily delay the proceedings of that court, and so check the vicious rapidity of the stream of Appeals which flowed from it into the House of Lords. If the tried wisdom, the high legal attainments, and pre-eminent authority of that great magistrate, who had been used to speak from the bench from which he (Mr. Canning) had now risen (Sir W. Grant); did not prevent constant appeals to the Lord Chancellor from his decisions as Master of the Rolls, it was idle to suppose that from the new Vice-Chancellor, new in office, new and unsettled in authority, and (be he who he may) probably far inferior to the present Master of the Rolls in legal knowledge and abilities, there would not be appeals to the Lord Chancellor in a far greater number. It was indeed attempted to be shewn, that this new creation would be similar to the Master of the Rolls: but there was this essential difference between the two magistracies. There was a choice allowed to the suitor to have his cause carried before the Master of the Rolls, or before the Lord Chancellor, and therefore it was the less likely that he should desire it to be reheard: but this Bill gave the Chancellor power to refuse hearing a case, and to send it to the Vice Chancellor, and in every case which was thus delegated from the Lord High Chancellor to his deputy, against the will and choice of the suitor, it was surely most natural to suppose that the suitor would desire a rehearing. Thus therefore the accumulation before the Lords might indeed be prevented from increasing so fast as at present, since every cause heard by the new magistrate would probably be heard again by the Lord Chancellor; and the suitor perhaps, might be sickened by this first appeal, and deterred from prosecuting a second to the House of Lords. But how would this device tend to the accomplishment of the professed object of the Bill, the allowing the Lord Chancellor more time for attendance in the House of Lords? After all, if the accumulation of Appeals in that House be the evil to be cured, why was not some remedy applied distinctly, and at once, to the seat of the evil? It was surely a derogation from the dignity of the House of Lords to suppose that they could not discharge the business before them; that their noble natures could not rise at nine o'clock to adjudge the causes at their bar; that with privileges so far surpassing those of other senates, they could not make an exertion for the discharge of these important duties which were annexed to such high privileges, and which justified and ennobled them in the eyes of their country and the world. (Hear.) Why should such reasonings apply to them more than to the Commons? The Lords admitted a delay amounting to a denial of justice. What degradation or shame could it be to the Lords to adopt with respect to their own proceedings some such coercive regulations as the Commons had adopted to secure their discharge of their own duty in cases of contested elections? The shame seemed to lie in stopping short between the removal of abuse, and the adoption of a remedy. Was it a problem so obscure, knotty, and

difficult, to devise the means of securing a sufficient attendance in the other House, whatever skill it might have required to produce such a Bill as this? No! Let the House reject this Bill, and a better measure would be proposed in a very short time.

The learned Serjeant had appealed to their confession in behalf of this unhappy scrap of paper, as if it were the offspring of some infant member, who was employing his untried hand, in his first and crude effort to remedy some acknowledged evil, hoping that a committee would lick his unformed abortion into some sort of decent shape. Another learned gentleman thought they were treading on a sort of hallowed ground, and that we could not presume even to alter and amend the Bill, such as it was sent down to us, without a species of *scandalum magnatum* against the legislative wisdom of the House of Lords! The Bill, in fact, was all it could be. A committee was useless. It would offend the Lords more to send it back to them so changed, as it must necessarily be, if it was to be made useful to any good purpose whatever, than it would to reject it altogether, abstaining however at the same time with the utmost deference, from presuming to suggest any other method of proceeding in a case which appeared to be claimed as the peculiar province of their lordships; and leaving their lordships to go to work again upon a new plan better calculated for their own credit and the public satisfaction.

He begged pardon for any seeming levity, if he were guilty of any, in speaking with freedom of this strange project: but there were different moods in which different men viewed the same subjects: some might indulge in harmless merriment; others, (he did not see the learned gentleman, Mr. Stephen, present)—(Cry of "under the gallery")—Others, then, (said Mr. C.) might view this mouse which the mountain had brought forth, with feelings quite "melancholy and gentleman-like," like Master Stephen, in "Every Man in his Humour!" (Laughing.) For his own part he thought there could not be a graver subject than the due and speedy administration of justice: but on the other hand there could not be a more ludicrous association than that of high magisterial functions, and great official trust with all the circumstances of degradation and disparagement with which the new magistrate, procreated by this Bill, is to be invested. It was pretended, indeed, that the power of the Lord Chancellor to devolve business upon this new deputy was to be no other than that which he now has to call to his assistance any one of the Judges or Masters in Chancery named in the commission empowering them to sit for the Chancellor. Nothing could be more unlike. Compare the language of that commission, with that of this Bill, by which the Chancellor was to ring for his deputy. It would appear that the judges, when called upon, were really to sit for the Chancellor, to sit as the Chancellor; to do his business; to execute his functions, and the result was to be of as great validity, force, efficacy, and virtue, as if from the Chancellor himself. The new gentleman to be created was to have full power, &c., but "in such manner, nevertheless, and under such regulations and restrictions, as the Lord High Chancellor shall, from time to time, order and direct." If this was to be freedom, he wished to know what was servitude? If this was volition, what was coercion? What was such a judge, but a man sitting on the judgment-seat, fettered hand and foot? And was it possible to conceive that any decision of such a magistrate could be received as satisfactory, and acquiesced in as final? (Hear.) Conceive a melancholy client coming into court and directing his solicitor to take care that his cause is set down for hearing, not before that tedious indecisive judge, the Master of the Rolls, (Hear!) but before the Lord High Chancellor himself. Soon afterwards he hears that his cause is according to his direction before his lordship himself.—So much the better. At least the hearing will be final. Some time afterwards he is informed that his cause is decided against him—by whom? By the Lord Chancellor himself? No such thing: but by a judge under the constant direction and superintendance of the Chancellor, subject to his interference and controul, to his revisal, and reversal, or alteration.—What consolation would this be to the suitor—who had chosen the Lord Chancellor for his judge in preference to the Master of the Rolls for the express purpose of avoiding the necessity of an appeal, which would now be his only refuge? Was not this the meaning of the Bill?—He heard some murmurs near him, as if he were misrepresenting its tenour and purport. He certainly did not mean to misrepresent

it. The advocates of the Bill had particularly praised it for its clearness. It was indeed overloaded with perspicuity, full of qualifications, and limitations and exceptions and provisoes, patching up one hole and making another to patch up in turn; and involved in inexplicable explanations. But after all was not the result, as he had stated it, that the Lord Chancellor might send causes he did not like to his Vice-Chancellor as he pleased, just as he would order away a corked bottle; was not the Vice-Chancellor to take whatever was sent to him—to abstain from whatever was not thus sent to him? To begin or to leave off, exactly when and where the Lord Chancellor pleased, at the beginning, or the middle, or end of a cause—just as might suit the Chancellor's fancy? Had he, or was he intended to have, any regular, known, fixed, intelligible, substantive province or authority? (Laugh.) Scrub, in the play, Mungo, in the farce, Sancho, in his island, were in a state of settled jurisdiction compared with this new officer! If the form of his tribunal were copied from any thing at all, it must have been from Sancho in his little island! (Laugh.) It was to be a delegation by fits and snatches,—the offspring of the humours and leisures of the Chancellor, dealt out in bits and scraps of jurisdiction.

It really required more credulity than the authors of the Bill had a right to expect, to imagine that the Bill, even though it should receive the polishing hand of the learned serjeant, could ever answer the purposes for which it was intended. As an unlearned member of parliament, his vote should be against the introduction of a magistracy which it was not fit to create. It was not his fault that the proposition was so objectionable. They had a right to take time to consider this Bill; as the Lords had paused for eleven years before they hit upon this mode of remedying an inconvenience of such great and growing mischief. If indeed it was contended that they were not entitled to object to this plan, without having some other more perfect plan to propose; he would answer, that he had no doubt another plan might easily be devised; but he denied the necessity, or even the propriety of originating it in the House of Commons. The *onus* was on the Lords; not on them. The evil was with the Lords, who pleaded their own fault, and applied for the remedy. The evils, he believed, were exaggerated, and must vanish at the touch of a reforming hand. Let the Lords adopt an efficient measure, and the mass of evil would soon shrink to a manageable size.

He was unable to follow the reasonings of Chancery lawyers; but was such an officer as a Vice-Chancellor ever recognized before in England? He felt the highest respect for the present Lord Chancellor, but he must consider that he was called upon to legislate, not only for the present times but for posterity. He wished to preserve the office of Lord Chancellor in this country in all the plenitude of its powers and splendour of its authority. He believed in his conscience that it was most essentially important to the constitution that it should be so preserved. He thought that it was one of the highest prerogatives of the sovereign, that he could take a man from the profession of the bar, and place him at once by an act of power in a situation giving rank and precedence above ducal coronets. This high prerogative, however, like all others, would be exercised with a responsibility to public opinion; and although the crown might make whom it would Lord Chancellor, yet it would never will to make any man a Chancellor, who, in the public eye, was not conceived to be fit for that high station.

He was not imputing any negligence to lord Eldon, when he said, that if this Bill should pass, a time might come when all the business of the Court of Chancery might be thrown upon this new officer and the Master of the Rolls, and that in future times a Lord Chancellor might be chosen chiefly from other considerations, unconnected with his legal knowledge or ability to preside in the Court of Chancery. This Bill might therefore, lead to the destruction of the high office of Lord Chancellor, which he conceived to be, as it now stood, an office of the greatest importance, as well in a constitutional point of view, as with regard to the administration of the important duties of the Court of Chancery. He, therefore, could not support a Bill which appeared to him to do things utterly unwise; to create a magistracy unfit to be created, and to endanger by innovation upon its character and duties a magistracy which it was of the highest importance to maintain unaltered and unimpaired; a Bill not calculated to remedy the evil which it professed to obviate, and risking the introduction of other evils which it might be diffi-

cult hereafter to cure: a Bill directed to the removal of an obstruction in the course of justice avowedly of a temporary nature; and effecting (or rather not effecting) that object by a permanent dismemberment of the highest judicial office of the constitution.

Sir *Samuel Romilly* could not content himself with giving a silent vote upon this question, which if agreed to would effect a complete change in the character of future Lord Chancellors; and that the country would never again see such men as Somers, Camden, or Hardwicke. He could not support the present Bill; for although he must admit, and every body must admit, that the evil which was stated was a most serious one, yet he conceived that the remedy proposed was still more serious, and that it was an evil still greater than that which it purported to reform. The evil which now existed might, however, be considered as a temporary one; whereas, the remedy proposed would, if agreed to, bring upon them one that in his opinion would be permanent. They were now called upon to remedy an evil, which the other House had taken no step for many years to remove. The House of Lords, though the arrears had long been growing upon them, had never taken any active measures for removing the evil. They had not continued their sittings longer in order to diminish the arrear of causes before them, nor had they met earlier in the day, nor ever proceeded to the decision of any appeal in the absence of the Lord Chancellor. This it had been the practice of the House to do in former times, and in some cases it might be better that the cause should be decided on in his absence, as Appeals from his decisions frequently came before them. He thought there could be no difficulty in procuring the attendance of a sufficient number of lords to hear causes, in the absence of the Lord Chancellor, and by this means alone the evil might gradually be removed. He did not think any other remedy was necessary, and at least he thought what he had mentioned ought to be tried, before a measure like that now proposed were adopted. If their lordships had either met earlier in the morning for this purpose, or continued their sittings by shorter adjournments, or had decided causes even when the Chancellor was not present, there would not now have been such an arrear of business before them. The question however was not whether any other remedy could be devised? but whether that proposed ought to be resorted to? He conceived that the present Bill would alter materially the constitutional course of the business of the Court of Chancery, and the office of Lord Chancellor. After a few successions of Vice-Chancellors, there would be no more men found to discharge the high office of Lord Chancellor, in the manner it had hitherto been discharged by so many illustrious men. As to the great increase of business in Chancery, which had been so much spoken of, there was certainly a very great increase in the bankrupt business, but a very small increase in other respects. He denied that the business, strictly so called, of the Court of Chancery had increased since the year 1750. The number of suits was not now greater than in the time of lord Hardwicke, but they were perhaps heard at greater length. There might possibly have been less indulgence, or, as he might say, less invitation to frequent hearings, and re-hearings at that time, and which were now equally injurious to the clients of that Court and to the public at large. As to the number of motions in lord Hardwicke's time, he did not know that they were much lower than at present, although less time might have been taken up in the arguments upon them. Lord Hardwicke had generally, besides his morning sitting, sat two evenings every week for hearing causes, and instead of closing his sittings at 2 o'clock in the afternoon, had frequently closed them at two o'clock in the morning, and therefore it was not extraordinary that in his time there was so small an arrear of business. If he were called upon to suggest a remedy to the evil complained of, he should say, that what appeared to him the most unobjectionable would be to separate the bankrupt business from that of the Chancery. It was said that as many of those bankrupt cases involved points of great difficulty and importance, and the decision was to be final and without appeal, it was absolutely necessary that the Lord Chancellor should determine them himself. He could not allow the justice of this conclusion. If they were cases of difficulty and importance, it certainly required that they should be decided by a man of ability, but he saw no necessity why this man must be the Lord Chancellor. Men could be easily found, of the highest professional eminence, who would be perfectly competent to this part of the duty; and

a sufficient compensation could be found out for them, in the emoluments from those bankrupt cases. He could not avoid, however, quoting here, the opinion of their committee,—" that it was highly objectionable that judges should be paid from fees, especially from fees ostensibly belonging to their secretary or some inferior officer." By this it appeared that the fees of bankruptcy, which were paid to an officer for the bankruptcy, were accounted for by that officer to the Lord Chancellor. This, in his opinion, was decidedly wrong—a judge ought never to be paid by fees. He should therefore most earnestly recommend that these fees should be abolished, and the salary of the Lord Chancellor proportionably increased, if it should appear that the other emoluments of his office did not afford him a sufficient remuneration. Next to taking away the bankrupt business, he thought the separating the office of Speaker of the House of Lords from that of Chancellor, would be a far better mode than that which was proposed in the present Bill. He saw no reason why the Chancellor of the duchy of Lancaster might not be made an efficient situation, and why he might not sit in other courts. He knew that the present possessor of it (Mr. Bathurst) was eminent in the profession of the law while he practised it; and he did not see why the place might not in future be given to professional men, with duties annexed to it. As to the nature of this office, it was to be totally different from that of the Master of the Rolls, or of the judges sitting under a commission. They, when sitting in the place of the Chancellor, heard and determined every cause which came before them, whether important or not; but never was there such an indignity put before upon any judge, as to tell him that he was never to determine any cases of difficulty or importance. As the Vice-Chancellor was to be for life, while the office of Lord Chancellor was removable at pleasure, it might at some future time happen, that a Chancellor might have an unreasonable prejudice against the Vice-Chancellor. It was well known, that lord Thurlow had such a prejudice against his Master of the Rolls (lord Alvanley, than whom there was hardly ever a better equity judge), that he would never allow him to sit in his place. Such things might happen again, and instead of that mutual agreement and concord subsisting between these great law-officers which would tend to the dispatch of business, a state of things might arise from which only increased, extended, and protracted litigation must ensue. He wished that ministers would really find out the opinion of the profession at large upon this subject, and not confine themselves to the opinions of a few of their parliamentary friends. It was said the public would pay nothing for this new officer, as he would be partly paid out of the interest of the fund of unclaimed money now in Chancery. He could not avoid noticing this fund, out of which part of this salary was proposed to be paid, called the Dead Fund, and amounting to 9,000*l.* per annum, being the interest of money put into that Court and never claimed: its very existence appeared to him a subject which called for parliamentary enquiry. It was the money of suitors placed in that Court for security; but which the suitors were often obliged to abandon from the great difficulties they found in bringing forward their cause. It was possible it would never be called for; but had they a right to assume that this would be the case? Considering the remedy proposed a greater mischief than the evil complained of, he must oppose the present Bill, which would do the greatest mischief to the Court of Chancery, and entirely alter its constitution, while it created a new and unnecessary officer to be subjected to every species of indignity, or else to be altogether useless.

Mr. *Wetherall* was strongly in favour of the measure. If two years discussion and consideration of it were not sufficient, he did not know what would be reckoned a reasonable time for enquiring into its expediency, nor what would satisfy the gentlemen on the other side. The business of the Court, he maintained, had increased so much, that since the year 1750 the number of Appeals had been not only doubled, but trebled. This proved the evil complained of was not a temporary evil, and therefore, being permanent, it was one which called for the permanent remedy now proposed. The hon. and learned gentleman then entered more into detail, and contended, that the Bill offered the most efficacious and constitutional means for redressing the grievances under which the subjects of these realms now laboured, from the necessary delay and arrear of business in the Court of Chancery and House of Lords. He denied that the new officer would be either inefficient or degraded, and on the contrary, argued

that many men of competent legal knowledge, high character, and excellent abilities, would be found eligible to, and ready to undertake the discharge of, its important functions. He replied to the arguments for separating the bankruptcy business from the office of Lord Chancellor, which suggestion he condemned as most unwise, since it would be imprudent to give the power of finally adjudicating property of an amount so immense as that contained in these cases, to an inferior officer; and if appeal was allowed, then the separation would afford no relief. He also expressed his opinion, in common with the opinions of every lawyer and statesman who had turned their attention to the subject, to be entirely hostile to the idea of separating the duties of Speaker in the House of Peers from the other duties of the Lord Chancellor. This had been so universally held to be inexpedient by all men whose authority was of weight, that it would be idle in him to repeat their reasons for coming to the conclusion, in the propriety of which he most perfectly coincided. He justified the application of the Dead Fund to the payment of part of the salary of the new officer, and closed his observations by warmly approving of every part of the Bill.

The *Solicitor-General,* (Sir W. Garrow) in a speech of great animation, gave his opinion in favour of the Bill, and against the Amendment. He insisted on the necessity of providing justice for the subjects of the realm, now exposed to many inconveniences, by the delay in the courts of law; and replied to the various arguments which had been addressed against the Bill. He ridiculed the idea of taking a judge from each, or from either of the other courts, for the purpose of constituting or relieving a court of equity. The judges in the courts of common law had already more business to perform than, with their utmost diligence, they could get through, and it was absurd to look for relief to those quarters. What then were they to do? A great evil existed—an evil which amounted almost, in many cases, altogether to a denial of justice to suitors and to the public. Were they to acquiesce in this state of the law, or ought not the House rather to declare that it wanted an instant remedy, which they would hasten to apply by passing a Bill of the description now before them. He did not mean to say but that several amendments upon the measure might be suggested in the Committee; but he contended, that in principle the Bill was most deserving of their unanimous support, which was the whole extent of the vote they were now called on to give. They wanted a prompt decision and an effectual remedy for a very crying evil, and in his opinion, the measure proposed would be found the best practical remedy that could be devised. It had therefore his most cordial support.

Mr. *Ponsonby* maintained, that the evil created by the Bill would be far greater than the evil it was intended to remedy. The measure would go to alter the judicial system of the country in its very basis; which attempt had never been made before, and was not in the power of the crown itself. He trusted the House would resist that attempt, and reject the Bill altogether, by voting for the amendment.

The House then divided upon the Amendment, Ayes 122; Noes 201; Majority against the Amendment 79. The original question for the second reading of the Bill was then carried without a division.

List of the Minority.

Abercromby, Hon. J.	Fitzgerald, Ld. H.
Althorpe, Visc.	Fitzroy, Ld. J.
Astley, Sir J.	Flood, Sir F.
Atherley, A.	Foster, F.
Aubrey, Sir J.	Frankland, W.
Bankes, H. (Teller.)	Fazakerley, J. N.
Barham, J. F.	Gascoyne, J.
Baring, A.	Gaskell, B.
Barnard, Visc.	Gordon, R.
Bennet, Hon. H. G.	Gower, Earl
Birch, Jos.	Gower, Ld. G. L.
Blachford, B. P.	Grant, J. P.
Brand, Hon. T.	Grattan, Rt. Hon. H.
Burrell, Hon. P. D.	Greenhill, R.
Broadhead, T. H.	Grenfell, P.
Byng, G.	Gurney, Hudson
Canning, Rt. Hon. G.	Halsey, J.
Canning, G.	Hamilton, Sir H.
Calvert, I.	Harcourt, J.
Calvert, C.	Hanbury, W.
Carew, R. S.	Heron, Sir R.
Coulthurst, Sir N.	Heathcote, Sir G.
Courtenay, W.	Howard, Hon. W.
Cavendish, Lord G.	Howarth, H.
Cocks, Hon. J. S.	Hughes, W. L.
Cocks, J.	Hurst, R.
Combe, H. C.	Jolliffe, H.
Creevey, T.	Kensington, Lord
Dundas, Hon. L.	Knox, T.
Duncannon, Visc.	Langton, W. G.
Elliot, Rt. Hon. W.	Leach, T. J.
Ellis, C. R.	Lefevre, C. S.
Ellison, C.	Lemon, Sir W.
Ferguson, R. C.	Lemon, J.

Lewis, T. F.	Protheroe, E.
Lyttelton, E. J.	Pym, F.
Lloyd, J. M.	Ramsden, J. C.
Lloyd, Sir E.	Ridley, M. W.
Macdonald, J.(Teller).	Robinson, G. A.
Madocks, W. A.	Rowley, Sir W.
Marsh, C.	Russell, Ld. G. W.
Martin, J.	Romilly, Sir S.
Martin, H.	Simson, G.
Molyneux, H. H.	Smith, S.
Methuen, P.	Smith, J.
Miller, Sir T.	Smith, A.
Milton, Visc.	Smith, W.
Monck, Sir C.	Smith, Robert
Melgund, Lord	Smyth, J. H.
Montgomery, Sir H.	Speirs, A.
Mostyn, Sir T.	Taylor, M. A.
Neville, Hon. R.	Tierney, Rt. Hon. G.
Newport, Sir J.	Tighe, W.
North, D.	Vernon, G.
Ord, W.	Walpole, Hon. G.
Ossulston, Lord	Ward, Hon. J. W.
Pole, Rt. Hon. W. W.	Warre, J. A.
Parnell, Sir H.	Webster, Sir G.
Pelham, Hon. C.	Wellesley, Long W.
Pelham, Hon. G.	Western, C. C.
Phillips, G.	Whitbread, S.
Plumer, W.	Wilkins, W.
Ponsonby, Rt. Hn. G.	Wrottesley, H.

HOUSE OF LORDS.

Friday, February 12.

Naval Officers in the Service of the East India Company.] The Earl of *Hardwicke* rose and said, that the Petition which he held in his hand was from a description of persons who, whatever might be the ultimate decision of parliament upon the great and important question which was shortly to be submitted to their consideration, had as strong a claim to have their case considered with the most favourable attention, as any class of individuals whose interests were connected with the subject to which he alluded: he meant the officers employed in the naval service of the East India Company. Many of these gentlemen had received their education in the royal navy; and from the great extent to which the navy of this country was carried in time of war, had found themselves, on the return of peace, deprived of the profession to which they had dedicated some of the best years of their lives; in some cases, from not being appointed to any commission in his Majesty's navy, and in others, where they had received their first commission of lieutenant, from being disappointed of any further advancement or employment in the navy. In this situation, many officers had entered into the naval service of the East India Company, and had contributed to maintain the high character by which it had been so long distinguished. On the other hand, there were instances of officers who had been originally in the service of the Company, having afterwards entered into the royal navy, in which they had risen to the highest rank and honours. Upon the whole, considering the character of the Company's naval officers, for nautical knowledge, skill, ability, and courage, of which many instances had occurred in the course of the present war, lord Hardwicke trusted that, whenever the subject of the East India trade was discussed, their case would receive that degree of attention from parliament to which it is so justly entitled.

The Petition was ordered to lie on the table.

Petitions respecting the Claims of the Roman Catholics.] Petitions against the Catholic Claims were presented from the archdeacon, clergy, and laity, of the archdeaconry of Colchester, the archdeacon and clergy of Essex, the archdeacon and clergy of St. Albans, and the dean and chapter, archdeacon and clergy of the diocese of Worcester by the bishop of London; from the corporation of Chichester by the bishop of Chichester, and from the corporation of Ripon by the earl of Harewood.

The Duke of *Leinster* spoke to the following effect:—I do not rise to oppose the Petitions lying on the table; but I am anxious to seize the first opportunity, lest I should be prevented attending the main question, of expressing my firm conviction of the justice and expediency of admitting our Roman Catholic fellow subjects to all the benefits of the British constitution. I am at a loss to discover what possible interest these petitioners can have, in excluding the great body of my countrymen from all share in the government. I am sure your lordships and the country have a great interest in giving them the same motives of attachment that Englishmen have. Give them these, and they will not only be loyal subjects, but an attached and grateful people. I live among them, and I am anxious to bear my testimony to their deserving the full enjoyment of those privileges, to which, as subjects of this great and free country, they are entitled by their birth.

A Petition to the same effect from the corporation and some of the inhabitants of

Guildford was presented by lord Walsingham.

The Duke of *Norfolk* observed upon an expression in the Petition, setting forth that the Catholics had repeatedly claimed "the right of enjoying political power," that his Majesty's Roman Catholic subjects never had laid claim to political power, but only to the eligibility of attaining it if their merits should be found deserving of it. He could not, therefore, let such an unfounded assertion in the Petition pass without contradicting it.

The Petition was ordered to lie on the table.

HOUSE OF COMMONS.

Friday, February 12.

Petitions against the Claims of the Roman Catholics — from the Clergy, &c. of Chichester — Archdeaconry of Lewes—Mayor, &c. of Guildford—Dean and Clergy of Sarum, and Archdeacon, &c. of Wilts—Archdeacon and Clergy of Sarum—Archdeaconry of Essex — and Churchwardens, &c. of St. Leonard's Shoreditch.] A Petition of the clergy and certain of the laity within the archdeaconry and diocese of Chichester, was presented and read; setting forth,

"That the petitioners have understood that their fellow subjects professing the Roman Catholic religion have an intention of applying during the present session of parliament for the repeal of those acts which exclude them from holding certain offices and situations of power and trust; and that they must begin by professing their strong and steady adherence to the principles of that Revolution which placed his majesty king William on the throne of these kingdoms; and they desire clearly to express their opinion that every degree of toleration compatible with the security of the established Church ought to be granted without hesitation both to the Roman Catholics and to Protestant Dissenters; but they crave leave to adopt the very words of that great and wise prince whom they have mentioned, who, though himself a zealous friend to civil and religious liberty, and a decided enemy to every species of persecution, declared however openly, that "he could by no means agree to the repeal of those laws that tended to the security of the Protestant religion, since the Roman Catholics received no other prejudices from these than their being excluded from parliament and public employments; and that by them the Protestant religion was sheltered from all the designs of the Roman Catholics against it, or against the public safety; and that these laws could not be said to carry any severity in them against the Roman Catholics upon account of their consciences, being only provisions qualifying men to be members of parliament, or to be capable of bearing office, by which they must declare before God and man that they were for the Protestant religion; so that indeed all this amounted to no more than a securing the Protestant religion from any prejudice it might receive from the Roman Catholics;" and that the petitioners, after thus expressing their real sentiments, beg leave further to observe to the House, that even the strongest advocates for the repeal of the existing laws prfoess however not to wish for it unless in a way which should not be prejudicial to the established Church, which the petitioners humbly conceive implies a concession that it might be effected in some ways which would be prejudicial; they conceive also that in such a case they who wish for the repeal of existing laws are themselves bound, prior to any discussion of the subject, to point out specifically the securities intended to be offered, in order that the establishments which have been hitherto preserved by means of those laws shall not be endangered by the repeal of them; but they observe, with real concern, that nothing of this sort has yet been attempted to be pointed out; on the contrary, they beg leave to remark that one of the slightest and least important of those securities, which even Catholic states and princes have found it necessary to adopt against the intolerable doctrines and pretensions of the bishop of Rome, has nevertheless been formally refused, and declared to be inadmissible by the prelates of the Irish Catholics; and that the petitioners also beg leave to submit it to the consideration of the House, as an undisputed fact of history, that many of these doctrines and pretensions of the bishop of Rome are directly adverse to the well-being of every independent kingdom, and have been so found and declared to be by many states and princes who have professed the Roman Catholic religion; and that the petitioners are not aware that any of these doctrines or pretensions have ever been

renounced or disclaimed by any of the bishops of Rome; on the contrary, they find, in many late publications, some of which are supposed to proceed from high authority among the Roman Catholic clergy in Ireland, the direct avowal, that the religious opinions of the Roman Catholics being unchangeable are applicable to all times; and that on these grounds the petitioners humbly conceive that the very same dangers which our forefathers were at so much pains to guard against, are still undiminished, and that the same precautions against them are still necessary; they therefore most humbly implore the House not to repeal those laws, nor to revoke those securities which our ancestors thought it incumbent on them to enact and provide for the stability and permanence of our civil and ecclesiastical establishments."

A Petition of the clergy of the archdeaconry of Lewes, was read; setting forth,

"That the petitioners beg leave humbly to represent to the House, that they are informed an application is intended to be made to parliament, to repeal the laws which render Roman Catholics incapable of holding certain situations of power and trust under government; and therefore with all humility, they request to express their firm reliance on parliament for continuing such restraints upon them as in its wisdom it may deem expedient, being persuaded that a full and unqualified emancipation would be inconsistent with the security of our civil and ecclesiastical establishment."

A Petition of the mayor, corporation, and several inhabitants of Guildford, Surrey, was read; setting forth,

"That the petitioners have long witnessed, with anxious concern, the repeated claims of the Roman Catholics to the right of enjoying full and unrestrained political power, but that, relying on the wisdom of parliament to resist such claims, they refrained from petitioning against them till they became apprehensive that their silence might be construed into indifference or even approbation; and that the petitioners are firmly attached to the cause of toleration in all matters of religious worship, and are influenced by no illiberal or bigotted spirit of exclusion or oppression, but rejoice to see all their fellow subjects possessing, as they now do, the right of worshipping God according to the dictates of their own conscience; but the petitioners cannot conceal that they consider the further extension of political power to their Roman Catholic fellow subjects would be destructive of the fundamental principles of the British constitution, and most dangerous to the religious and civil liberties of the Roman Catholics themselves, as well as of the Protestants, being fully persuaded that the admission of a foreign jurisdiction in spiritual matters, which foreign jurisdiction the Roman Catholics admit, will necessarily have great influence over them in civil and political matters; and therefore most earnestly praying the House, that the blessings and advantages of our present happy constitution may not be endangered by innovations and hazardous experiments, and that the House will maintain inviolable this essential principle of the British constitution, that the legislative and executive authority of this Protestant country should be administered only by a Protestant government."

A Petition of the dean and chapter of the cathedral church of Sarum;—two Petitions of the dean of Sarum, the clergy of his jurisdiction and the clergy of other peculiar jurisdictions, within the diocese of Sarum;—and a Petition of the archdeacon and clergy of the archdeaconry of Wilts, were also presented and read; setting forth,

"That the petitioners, in common with the Protestant laity of this United Kingdom, sincerely and heartily rejoice in the toleration which has been granted to their fellow subjects professing the Roman Catholic religion, and should equally rejoice in the concession of any further indulgences, if any such are wanting, to make that toleration complete; and that they have been hitherto unwilling to increase the ferment created by repeated discussions on the claims of the Roman Catholics, but, apprehensive less further silence should be construed into acquiescence, if not approbation of their pretensions, they deem it their duty to express their alarm at the perseverance of the Roman Catholics in demanding unlimited admission not only to offices of high trust and power, but even into the legislature itself, under a monarchy and constitution fundamentally Protestant; because, by the unequivocal avowal of their own priesthood and most enlightened advocates, the Roman Catholic Church is still the same in its doctrines and discipline as at the time of the Refor-

mation; because it still claims the same spiritual power, still arrogates the same infallibility, still considers all Protestants as without the pale of Christian communion; and, finally, because the members of that Church in these realms still acknowledge themselves subject to a foreign supremacy; and that, convinced that the Protestant succession to the throne, the liberty of the subject, and the safety of the established Church, rest on the same basis, and are inseparably connected, the petitioners do most humbly but ardently implore the House to maintain those laws and preserve inviolate those securities and bulwarks of our constitution in Church and State, under which this country, since the epoch of the Revolution, has enjoyed a degree of prosperity and happiness unknown to other nations, and unexampled in former ages."

A Petition of the archdeacon and clergy of the archdeaconry of Sarum, was also read; setting forth,

"That the petitioners beg leave, with all due respect and humility, to lay before the House their Petition, on behalf of the Protestant establishment of the United Kingdom, endangered, as they conceive, by the measure now under consideration in favour of their fellow subjects of the Romish persuasion; and that, under the due influence of that spirit of Christian charity, which is among the distinguishing marks of the true Church, they cannot possibly entertain the most distant wish to interfere with that perfect toleration which constitutes an amiable feature in the constitution of this country; but regarding, as they most certainly do, Protestantism to be an essential part of the British constitution, when, on looking into the page of history, they observe in what way the Church of Rome employed that power which it formerly possessed in this kingdom; and when they consider that the character of that Church, according to the declaration of its most enlightened advocates, is unchanged, and unchangeable, having been publicly and expressly told, that "if any one pretend to insinuate that the modern Roman Catholics differ in one iota from their ancestors, he either deceives himself or he wishes to deceive others;" they cannot contemplate, without the most serious apprehension, a restoration of power to those who stand solemnly bound by the canons of their councils, and their religious obligations, to employ that power, when obtained, to the destruction of our constitution both in Church and State; should it appear, however, to the House in its wisdom, that these alarming effects, which the petitioners cannot help anticipating, are not likely to result from the measure in contemplation, still, as the appointed ministers of the true faith in this land, they consider that they should be justly chargeable with a shameful dereliction of their sacred trust, were they not on this occasion to remonstrate, as they most respectfully do, against the surrender of those bulwarks by which, under Divine Providence, that faith has long been defended; and that, aware of the miserable confusions which would be the consequence of the established Church being deprived of that tolerant ascendancy, which equally prevents the unchristian conflicts of contending sects, and the overbearing jurisdiction of a foreign supremacy; and persuaded that every indulgence, consistent with the safety of a Protestant establishment, has already been granted to the members of the Romish Church, that more cannot, in their opinion, at least be done for them, without encouraging the growth of Popery, and exposing this free and enlightened country to the danger of those erroneous, intolerant, and slavish principles which have in former times been its miserable companions; they humbly, but at the same time most earnestly pray, that whatever measures in favour of our fellow subjects of the Romish persuasion political wisdom shall at this time deem expedient, (a subject on which the petitioners may not be fully competent to form a judgment,) that those judicious securities, by which the pure faith and worship of our venerable Church, the invaluable purchase of the labours, the wisdom, and the blood, of our pious ancestors, have, under the continuing favour of a gracious Providence, long been preserved, may, through the constitutional decision of the House on this important occasion, be handed down inviolate to our latest generation."

A Petition of the clergy of the archdeaconry of Essex, was read; setting forth,

"That the petitioners have viewed with much apprehension the several efforts which have been made for obtaining indulgences to persons of the Roman Catholic communion, even beyond what the wisdom of parliament has already granted,

under the mild government of their beloved sovereign, and fearing that those efforts may be repeated, would humbly represent the danger which, in their opinion, would arise from farther concessions; and that the petitioners, knowing themselves fallible, presume not, on points of faith and doctrine, to fetter the opinions of other men, and would allow to all the utmost freedom in religious worship, but must deprecate any indulgences which may increase the means of propagating what the petitioners conscientiously believe to be error, and what, as ministers of the Gospel, and of the Protestant Church, they feel it their duty to counteract; and they conceive that it would be derogating from the sincerity and zeal of the Roman Catholics, to entertain a doubt of their continued endeavours to disseminate the principles to which they have shewn themselves so strongly attached; and that the petitioners fear not only their increase of error in religion, from the success of these efforts, but also great political danger; they have considered the civil establishment of this kingdom, as united, in its essential interests, with the national church, and must always feel serious alarm for both from those particular opinions of the church of Rome which are immediately connected with political tenets and practice, and which have, in times past, been found powerful instruments of policy, through their influence on the minds of their adherents; and that the petitioners are humbly of opinion, that the nature and tendency of these tenets remain unaltered, although their effects have been limited by the wise restraints imposed by the constitution of this realm, and, until they are expressly, and by authority, disavowed in principle, and discontinued in practice, the petitioners cannot but consider it highly dangerous to intrust any share of power, in framing or dispensing the law, or in conducting the government of the country, to the hands of their Roman Catholic brethren, who, while they demand the removal of every restraint of precaution against them, do not offer on their parts any correspondent concession; and the petitioners humbly conceive, that favour towards the Roman Catholics has been extended to the utmost limit of toleration in religion, and even beyond it, in the public patronage of one of their principal seminaries; and that the few remaining civil restrictions, of which they are impatient, are but the necessary safeguards of the constitution: and they therefore humbly, but earnestly, pray that the House will, in their wisdom, be pleased to continue those salutary limitations against the Roman Catholics, under which, by the protection of the Almighty, this nation has enjoyed the blessings of a pure religion and uncorrupt administration of equal laws, and a Protestant succession to the throne in the family of a monarch whom, both as their gracious sovereign, and as the zealous defender of their faith, the petitioners love and revere."

A Petition of the churchwardens, overseers, and inhabitants, of the parish of St. Leonard Shoreditch, Middlesex, in vestry assembled, was read; setting forth,

"That the petitioners observe with much concern and alarm the persevering efforts of the Roman Catholics to obtain admission to offices of trust and authority, both civil and military, and to the exercise of legislative functions; and that it is with unfeigned satisfaction they see their fellow subjects of the Romish Church freed from all pains and penalties on account of their religion, and in the full enjoyment of the blessings of toleration, but they feel it their bounden duty not only to themselves but to posterity, to resist the endeavours of the Roman Catholics (notwithstanding the numerous concessions already made to them) to attain political power and legislative authority, and thereby to destroy that Protestant ascendancy to which the people of this country are indebted, under Providence, for the establishment of their liberties on a firm and solid basis, for the petitioners consider it as a fixed and unalterable principle of our glorious constitution wisely settled at the Revolution, that the legislative and executive authorities of this country can be safely administered by Protestants only; and that the petitioners regard the laws by which that principle is established, as no less sacred and inviolable than Magna Charta and the Habeas Corpus Act, and they implore the House to reject all applications for the repeal of those laws."

Ordered to lie upon the table.

SINECURE OFFICES BILL.] Mr. *Bankes* rose, pursuant to notice, to bring forward his promised motion upon this subject. He should not, he said, mis-spend the time of the House on this occasion, in detailing

the grounds upon which this measure rested; a more appropriate opportunity would offer in a future stage for the full discussion of its merits. Although he had to address a new parliament, with a considerable accession of new members, upon this important subject, he could not doubt that the arguments in its favour would meet as favourable a reception as they had experienced from the last parliament, and that the present House of Commons would be found as solicitous for retrenchment and public economy as any of its predecessors. The main object of his Bill, the hon. gentleman described to be, to bring back offices to the principle of their original creation, namely, that those officers who had any duty to perform for the public, should receive the remuneration drawn from the public purse for that purpose, and that those offices to which no duty attached, namely, sinecures, should be gradually abolished. But he would take care to provide that those who had vested rights should suffer no injury. His next proposition was to establish a permanent and certain fund for those meritorious servants of the public who might have derived reward from the sinecure offices which he called upon parliament to abolish. Thus his measure was meant to be wholly prospective. Following the same principles of reform which had been acted upon by Mr. Burke and Mr. Pitt upon similar occasions, and thus avoiding any innovation, he proposed to leave the rights and interests of the present possessors of the offices to which his Bill referred quite untouched, while he would endeavour to persuade the House to put an end to the further continuation of offices which were really a blot upon our system. As to certain offices in the law which his Bill was intended to regulate, he could not conceive it possible to defend an arrangement under which particular individuals received enormous emoluments, while all the duties of their offices were performed by deputies for a small remuneration. The hon. member concluded with moving for leave to bring in a Bill "for abolishing and regulating sinecures and offices executed by deputy, and for providing other means for recompensing the faithful discharge of high or effective civil offices, and for other economical purposes."

Lord *Castlereagh* disclaimed any intention of opposing the motion of his hon. friend, or of entering into the discussion of its merits on the present occasion. But, in a future stage of the proceeding he should state fully the grounds upon which he felt it his duty to oppose his right hon. friend's proposition in the last parliament, and upon which he still felt himself bound to maintain the same opinion. He could not, however, let this opportunity pass by without stating his conviction, that the principle of reform pursued by his hon. friend on this subject was perfectly novel, and by no means in accordance with the principles acted upon in the regulation of public offices in former instances, either by Mr. Burke or by his late right hon. friend, Mr. Pitt. This he should be prepared to show at the proper time. But there was one remarkable feature belonging to this measure, which he never could overlook, and which indeed must impress the mind of any man by whom it was fully considered, namely, that his hon. friend was not able to shew that his proposition would, in a pecuniary view, be productive of any saving to the public, while in a constitutional view it directly tended to trench upon the royal prerogative, and involved a very exceptionable innovation upon old established practice.

Leave was given to bring in the Bill.

LOCAL TOKENS BILL.] *The Chancellor of the Exchequer*, in proposing the committal of the Local Tokens Bill, observed, that the period to which he proposed to extend the power for allowing the circulation of Local Tokens, he was induced, upon farther consideration, to abandon. That period was the 1st of October, but he now meant to fix upon the 5th of July, because parliament might in that case make farther arrangements, should an adequate supply of Bank Tokens happen not to be forthcoming, which appeared by no means probable. Indeed, he had every reason to expect that the Local Tokens might, without any public inconvenience, be wholly dispensed with, at even an earlier period than the 5th of July; such was the improved prospect of the currency. As to the animadversions upon his right hon. friend the Chancellor of the Irish Exchequer, in consequence of his allusion to the probable necessity of a different measure upon the subject for Ireland, he thought it necessary to say a few words. It was but candour in his right hon. friend to express the inclination of his mind, in order that, if the measure he at the time of the expression contemplated, should really become necessary, no member

might be taken by surprise. For himself, he hoped and trusted that necessity would not call for any difference between the two countries, however differently circumstanced upon this subject. At all events, nothing practicable should be left undone to avoid such a necessity. Indeed, as far as he had the power of influencing the circulating medium, he had always been most studious to provide for the accommodation of Ireland, and he should ever continue to be so. In pursuance of this solicitude, which he felt in common with his colleagues, it was intended to send a large proportion of bullion to Ireland, sufficient, he hoped, for its wants; yet, if the supply should prove inadequate, his right hon. friend reserved the right of providing for the evil.

Sir *John Newport* observed, that ministers seemed to think it necessary to hold an undefined proposition over Ireland, while there could be no doubt of its wants as to circulating medium, and while no assurance was given that a sufficient quantity of bullion would be provided by government for the supply of those wants. It was in consequence of these wants, that the Commercial Company of Waterford applied some time since to the Irish government, soliciting either an adequate supply of silver, or liberty to issue tokens themselves for the accommodation of business; but the application was unsuccessful, although he could assure the House that the distress occasioned, and especially among the poor peasantry, by the scarcity of silver, was most severe. Indeed, the peasant who brought his bacon or other articles to Waterford, was obliged to return home with a check as payment, and which he was but too likely to lose, or obliged perhaps to go to market again to get his check changed. Thus were these poor people, to whom any government should look with peculiar solicitude, exposed to serious inconvenience. But he hoped that his Majesty's government would take their case into consideration, and contrive to relieve their distress.

The *Chancellor of the Exchequer* repeated the intention of government to send to Ireland as large a supply of bullion as possible; sufficient he hoped to remedy the grievance complained of. But if that supply should be insufficient, it would be open to his right hon. friend the Chancellor of the Irish Exchequer, to bring forward the measure he had mentioned upon the subject of Local Tokens.

Lord *A. Hamilton* asked upon what ground the Chancellor of the Exchequer calculated upon such an increased supply of bullion by the period he had proposed to insert in the Bill, and whether he had any plan for keeping his new tokens, when issued, in circulation? Was the right hon. gentleman aware how much of 1,700,000*l.* in tokens already issued by the Bank, remained in circulation, or had been withdrawn and melted down? He understood that a considerable quantity of tokens had been melted, and if such had been the fate of the Bank tokens already issued, what security could the right hon. gentleman present that the new issue would not meet the same fate if they were equal in intrinsic value? Then if the Bank tokens were likely to be thus withdrawn from circulation, the local tokens would still be necessary, and must be tolerated, if public accommodation were sulted.

The House having resolved itself into the Committee,

The *Chancellor of the Exchequer*, in reply to the observations of the noble lord, stated, that there was one simple fact upon which he grounded the calculations adverted to by the noble lord, namely, that the exchange had advanced 15 per cent. in our favour; and it was unnecessary to describe the consequence of such advance upon our supply, and the price of bullion. Care would, of course, be taken that the value of any tokens issued by the Bank, should keep pace with the market price of silver, and for such equality the public had no guarantee upon the mass of Local Tokens. As to the tokens already issued by the Bank, he believed the noble lord was misled respecting the number withdrawn from circulation. But any that had been withdrawn were most likely to return to circulation, when the new issue of Bank tokens should take place, and the competition of Local Tokens should be withdrawn.

Lord *A. Hamilton* thought, that if the right hon. gentleman had no other reason to hope for an issue of silver, than the improvement of the exchange, the hope was a frail one.

Sir *Robert Peel* said, he did not see any great inconvenience result from the Local Tokens, they were so inferior to the coin of the realm, that they were limited in circulation, and as soon as the Bank should issue silver to any great amount they would fall of themselves.

Mr. *Whitbread* thought the 5th of July an inconvenient time, as in all probability the House would not then be sitting, and great inconvenience would ensue from withdrawing the Local Tokens, in case the Bank should not be prepared to make the expected issue. If, however, the Chancellor of the Exchequer would agree to bring the matter under consideration before parliament should be prorogued, he would refrain from moving an amendment.

The *Chancellor of the Exchequer* bowed assent, and the blanks were filled up with the 5th of July.

HOUSE OF LORDS.

Monday, February 15.

PETITIONS RESPECTING THE CLAIMS OF THE CATHOLICS.] The Bishop of Gloucester presented Petitions against the Catholic Claims, from the clergy of Gloucester, the precentors and canons of St. David's, the clergy of St. David's, Brecon, Carmarthen, and Cardigan.—The Duke of Norfolk observed upon some of the Petitions, and took notice of the word Romanists in one of them, as a new designation given to the Catholics in public documents. If, however, it was meant to substitute it as a milder term for that of Papists, he had no objection to the change. —Lord De Dunstanville presented a Petition to the same effect, from the corporation and inhabitants of Penryn, stating that it was carried unanimously, at a numerous meeting.—The Lord Chancellor objected to receiving it as the Petition of the inhabitants, as the common seal of the corporation could not represent the inhabitants who were not corporators. The Petition was, therefore, received as the Petition of the corporation only.—The Duke of Norfolk wished to know the number of the inhabitants of Penryn?—Lord De Dunstanville said, about 2,800. He had not, however, referred to the number of inhabitants, but to the Petition being unanimously agreed to, at a numerous meeting.—Viscount Sidmouth presented a Petition to the same effect, from the corporation and inhabitants of Colchester.—Ordered to lie on the table.

PETITIONS RESPECTING THE RENEWAL OF THE EAST INDIA COMPANY'S CHARTER.] Viscount Melville presented a Petition from the lord provost, magistrates, and town council of Edinburgh, against the continuance of the monopoly of the East India Company. His lordship also brought forward Petitions to the like effect from Montrose and Stirling.—The Duke of Norfolk presented a Petition of a similar tendency from Birmingham, signed by the high bailiff and principal magistrates in behalf of themselves and others the inhabitants of Birmingham.—Viscount Melville then presented a Petition signed by various members of the Church of Scotland, and seemed to set forth as the substance of the Report of a Committee specially appointed by the general assembly of the National Church of Scotland, on the 15th of March 1812, that a Petition should be laid before parliament, praying, that in whatever new arrangement might be made for the regulation and government of the British dominions in India, provisions should be made that the members of the said church, resident in those dominions, may be afforded an opportunity of having their national religion regularly dispensed to them, under such regulations as to the wisdom of the legislature should seem meet.—The Duke of Norfolk observed, he was never before aware of any thing existing in India to prevent the religious worship of any denomination. From the Petition now presented, it would appear to him that the Church of Scotland was not tolerated in that quarter.—Viscount Melville said, the fact was, that although the most perfect toleration prevailed in these parts of the British dominions, the individual members of the Church of Scotland, who found their way to India, found it, under the existing system, almost impossible to exercise their functions. Their lordships were aware that by law, no individual could proceed to India without licences from the Company; who, he observed, were not in the habit of granting them to such individuals, except they were of the established Church.—The Duke of Norfolk said, it was the first time of his learning that the Directors of the East India Company were so zealously attached to the established Church as not to grant licences to any clergymen but of that persuasion.—The Petition was then ordered to lie on the table.

HOUSE OF COMMONS.

Monday, February 15.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS—FROM THE CLERGY OF

GLOUCESTER—FROM BRISTOL—PENRYN—ANTRIM—AND CHICHESTER.] A Petition of the clergy of the diocese of Gloucester, was presented; setting forth,

"That the petitioners, ministers of the established Church of England and Ireland united, whose principles have been ever favourable to the toleration of all persons who conscientiously dissent from them, can no longer with-hold from the House their expression of concern, that claims should have been repeatedly made on the liberality of parliament for an unqualified repeal of statutes, which prevent the admission of Roman Catholics to an equal, but, in the humble apprehension of the petitioners, a dangerous participation with their Protestant fellow-subjects in situations of legislative power and offices of high constitutional trust; and that the petitioners most respectfully suggest to the consideration of the House, that the antient and regular practice of all states has been, to entrust the important offices of government to those only who are sincerely attached to its fundamental laws, in full persuasion, no doubt, that those subjects who, from a conscientious principle, decline to unite in communion with the members of the established religion, will act inconsistently with that principle if they do not, when invested with power, attempt to substitute in its stead what appears to them to be the true religion, and the most acceptable mode of worship; and that the exclusive religious principle of those who profess the faith of the Church of Rome, together with that unchanged controul which a foreign power is known to maintain over their consciences, are so much at variance with the true principles of our established government, as to render Roman Catholics unfit to be entrusted with the administration of power, either legislative or executive; and that, impressed with a high veneration for those tried and approved securities of the religious and political interests of our country, the Bill of Rights and the Act of Settlement, the petitioners place the firmest reliance on the wisdom of parliament, that in its solemn deliberations on the very important question of Catholic Claims, it will not separate those interests from each other, or finally resolve to repeal those statutes which our ancestors, after a long and arduous struggle with the dangers of Popery, thought fit to enact, which have been repeatedly sanctioned by the highest authority in these kingdoms, and which, by confining the crown itself to the communion of the Church of England, hath for more than a century, under the favour of Divine Providence, secured to every Briton the peaceable enjoyment of his civil and religious privileges; but should the legislature, urged by considerations which are not obvious to the petitioners, think it expedient to make any alteration in those statutes, which have been most justly stiled the great barriers of our constitution in Church and State, the petitioners then humbly but earnestly entreat, that such alterations may most sacredly be guarded by every provision which to the united wisdom of parliament may appear to be best adapted for securing to us, and to our latest posterity, the blessings of a Protestant establishment, and of a Protestant succession to the crown of these kingdoms."

A Petition of the Protestant inhabitants of the city of Bristol, whose names are thereunto subscribed, was also presented; setting forth,

"That the petitioners are firm friends to religious toleration, being fully persuaded that no power on earth has any right to interfere with the dictates of conscience with respect either to doctrine or worship, except only in cases which affect the plain obligations of morality, or the peace and safety of society; and that the petitioners however cannot but consider the concessions already made to the Roman Catholics as entirely exempting them from all restriction whatever in the profession of their religious tenets, and the performance of their religious rites; that they already enjoy therefore the most perfect toleration, and that what they demand further is access to higher degrees of civil power and authority, their possession of which could scarcely fail to endanger the civil and religious rights of their fellow-subjects in this Protestant realm; and that the petitioners, with humble deference to the wisdom of parliament, consider the high privileges of the British constitution as held conditionally by those who enjoy them (the right of their enjoyment depending on conditions to be by them performed); and that, as their Roman Catholic fellow-subjects refuse, from religious scruples, to comply with those conditions, their claim to be admitted to offices of trust and influence is on the basis of equity inadmissible; and that the petitioners likewise recollect that a large

majority of their own number have lately taken, previously to the exercise of their elective franchise, the Oath of Supremacy, by which they solemnly declared, in the presence of the Almighty, "that no foreign prince, person, prelate, state, or potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm;" and that this oath was introduced after the Reformation with a special reference to the Papal authority; and the petitioners therefore feel it to be their duty to advert to so solemn a declaration thus recently made on a subject most intimately connected with the Roman Catholic Claims, not by themselves only, but by a very large portion of the population of the country; and that they cannot on the present occasion avoid looking back with horror to the effects which the intolerant spirit of the Roman Catholic religion produced in their native land during the æra of its dominancy therein; and, though the petitioners are fully aware of an assertion which has often been hazarded, that this religion has now totally changed its nature, yet they have not seen any solid and satisfactory ground for such an assertion, but, on the contrary, they fear its intolerant and persecuting character to be still unchanged, and in this they are confirmed by repeated declarations of the highest Roman Catholic authority in England, and that on these grounds, with which it would be tedious and unbecoming to trouble the House, the petitioners humbly pray, that the bulwarks of our Protestant constitution may still be preserved inviolate, and that, firmly adhering to those securities which our Protestant forefathers deemed necessary (in lieu of which no other adequate securities have yet been proposed, nor, as the petitioners do verily believe, can be proposed), the House will effectually guard against even a remote danger of infringement on our civil and religious liberties."

A Petition of the mayor, aldermen, and other inhabitants, of the borough of Penryn, in the county of Cornwall, was also presented and read; setting forth,

"That the petitioners, impressed with a deep sense of the blessings they have so long experienced under a Protestant establishment, and firmly believing such to be necessary to the enjoyment of their civil and religious liberties, earnestly hope, that the parliament of the United Kingdom will not consent to an unconditional repeal of those statutes, which at present tend only to limit the political power of their Roman Catholic fellow subjects; and that the petitioners, with a wish to see Christians of every denomination enjoy the free and unlimited exercise of their peculiar modes of worship, cannot but perceive, in the admission of Papists to the highest offices of the State, an abrogation of the fundamental laws of the empire and the destruction of the British constitution."

A Petition of the noblemen, and the humble Petition of the gentlemen freeholders and Protestant inhabitants of the county of Antrim, was also read; setting forth,

"That the petitioners have learned that numerous Petitions have been presented to the legislature from the Roman Catholics of Ireland, praying, as a matter of right, for an unconditional repeal of all those statutes which impose on them disabilities of any kind; and they have also learned that similar Petitions have been presented by certain Protestants of Ireland, and it has even been alleged that such is the universal sentiment of the Protestant body; and that the petitioners therefore feel it their duty to come forward lest their silence should be misconstrued, and to state respectfully to the House their deliberate opinion on this important subject, and to deny that any classes of his Majesty's subjects are entitled to demand, as a matter of right, an alteration in this vital part of the constitution; and that they entertain the strongest sentiments of personal kindness and regard for their Roman Catholic brethren, as subjects of the same government, as inhabitants of the same country, and as connected with many of them by the intimate ties of friendship and blood; but they can never lose sight of those higher considerations by which they are bound, as the Protestant subjects of a Protestant state, to preserve, unimpaired, their civil and religious institutions, and they regard with equal reverence and approbation, that caution with which the wisdom of their ancestors thought it necessary to guard the government and constitution against any foreign interference or influence whatsoever; and that the petitioners do not presume to point out the modes by which, at the present day, under new circumstances, an adequate security

against the occurrence of such danger may be obtained; but they beg leave humbly to express their hope that should any concessions be thought expedient for the relief and conciliation of the Roman Catholics of Ireland, they should be solemnly declared to be final and conclusive, and should not only be accompanied with such measures of salutary caution as should allay the apprehensions of the Protestant mind, but should also, by being made a fundamental law of the empire, adequately and permanently secure from all future encroachment the rights and privileges of Protestants, and all those existing establishments under which this empire has so long prospered, and its inhabitants of all classes have so long enjoyed a degree of civil and religious liberty unknown to any other nation."

A Petition of the mayor recorder aldermen and citizens of his Majesty's ancient city of Chichester, was also presented and read; setting forth,

"That the petitioners, impelled by a due sense of the sacred obligations they owe to their country, beg leave, with the utmost deference, to make a public declaration of their sentiments on a truly important subject, which will probably come under the discussion of parliament, namely, the expediency of adopting the Catholic Claims; and that incapable as the petitioners are of rancorous bigotry, and disdaining to be influenced by a narrow spirit of unjust exclusion, they nevertheless submit to the judgment of the House, that laws, which were enacted for the national peace and security, and interwoven as it were with the welfare of a Protestant state, ought to remain undisturbed, or at least to be touched with a gentle hand, and so as to offer no injurious encroachment on that venerable monument of British wisdom and patriotism, our unrivalled constitution; but after all, so wide is the difference between religious and civil privileges that the petitioners cannot help expressing their concern that their fellow subjects should complain of restrictions in the latter, while they enjoy all the benefits of toleration in the former; this it is apprehended is to urge that they are hardly treated, in being denied a transient good, while they possess, under legal sanctions, the supreme blessing of man; and that these few observations the petitioners entreat the liberty of suggesting, but with perfect liberality towards their Christian brethren, and a firm reliance on that wisdom and impartiality which they doubt not will mark the progress of the deliberations of the House."

And the said Petitions were ordered to lie upon the table.

COMPLAINT AGAINST THE BRITISH PRESS NEWSPAPER.] Mr. *M. A. Taylor* said, he rose to complain of an unmerited attack which had been made upon him by an individual in one of the daily prints, and which, while he had a seat in that House, he would not submit to. He had no objection to the publication of the debates of the House; but in these debates false accounts ought not to be suffered to go out to the public, nor false insinuations allowed to be thrown out, which might have a tendency to lower the character of any member of that House in the public estimation. He had ocasion to notice an attack which was made upon him in the same paper about two years ago. Whether this originated in any ill will entertained against him by the Editor of the paper or not, he could not say. This was not his case alone, but that of every other member of the House. The press was now teeming with these sort of attacks, and every individual ought to resent them. Within these walls he had a right to look for protection. He appealed to the House if there was a syllable of truth in what the Editor had asserted. He alluded to the British Press newspaper. The Globe, which contained the same account, was, he believed, edited by the same person. In the account of the debate on the Vice-Chancellor's Bill on Thursday night, he was described as having been assailed with loud noise in the course of his speech. He appealed to the House if this was the case. In the paper in question he was described also as having, with a degree of arrogance, said he would not waste his valuable time in answering lord Redesdale's book. Such was the vicious and unfounded mode of attack resorted to by the Editor of this paper. (A general call of "Read, read!")—It was not his intention to read the account, as he did not wish that the individual in question should be visited with punishment.

The *Speaker* said, if a complaint was made by the hon. member, he ought to deliver in the paper. The House was not to notice a practice which it did not mean also to punish.

Mr. *Taylor* said, he did not wish the

matter carried farther at present; but if the practice were repeated, he should certainly move for the punishment of the individual.

VICE CHANCELLOR'S BILL.] Lord Castlereagh moved the order of the day for the House going into a Committee on the Vice-Chancellor's Bill. On the question for the Speaker's leaving the chair being put,

Mr. *Leach,* in rising to oppose this motion, said he must admit the extent of the evil against which it was the declared intention of the Bill to provide, and that the evil demanded an immediate remedy. He was perfectly aware that some decisive measure was imperiously called for to counteract the inconvenience which, under the present system, was experienced, but to that now before the House he had the strongest objections. He opposed it because it appeared to him to tend in its consequences to disengage the Lord Chancellor from a great portion of his judicial functions, and to render an office which was primarily judicial and secondarily political, primarily political and secondarily judicial. He opposed it, too, because there was another and an adequate remedy to which no objection could be made.

In stating that it would have a tendency to disengage the Chancellor from a great portion of his judicial functions, there were two things to be established. It would be necessary, therefore, to enquire, 1st, whether it would be an evil if the measure were to be attended with such consequence; and then, 2dly, whether it would be followed with such consequences?—It seemed to be pretty generally admitted in the former debate on the Bill, that there would be a manifest evil in such a change of the office. He would, however, shortly state the views which he himself entertained on the character of the evil of such a change. Every gentleman who heard him, whether a lawyer or not, was well acquainted, that in all modern trials in Chancery the judicial duties of the Lord Chancellor were not only satisfactorily, but splendidly discharged; but that they would be performed with equal benefit if the proposed alteration were to take place was a proposition to which he could by no means accede. Besides this part of the functions of the Lord Chancellor, there was another which, in his conviction, was of the utmost importance, and which he thought had not hitherto been sufficiently attended to in the discussion on this Bill. As the head of the law of this country, the Lord Chancellor was the patron in some sort of judicial appointments. His recommendation had, it was known, great weight in the nomination of the puisne judges, and tha appointment to various offices of the courts of justice, which were termed ministerial, were materially influenced by his opinion. The manner in which the various Lord Chancellors had exercised this authority and influence was the main reason, why, down to the present period, such offices had been held by men of integrity so sound and legal knowledge so extensive. Our seats of justice had been hitherto filled with persons of a learning and character unknown in other countries. That this patronage had been always hitherto so splendidly executed, could not be the effect of accident, for accident was attended with one consequence to-day and another to-morrow, whereas this state of superiority had been regular and invariable. The inherent source must be in the character and constitution of the office. He would, therefore, ask, what was it? The Lord Chancellor was always one of the most eminent lawyers of his day: and why? because the great and important duties of his office necessarily required that he should be so. He had always filled the seats of justice with persons of merit, integrity, and legal learning; because, having lived all his life with lawyers, his knowledge and feelings as well as his honour prompted him to attend only to legal merit in his selection of individuals to fill the subordinate, although not less important offices of the law, and his recommendation of them to appointments. If this was true, did they not, by the alteration in question, hazard a change in these results? Surely, it behoved the House to enquire if the advantages which the country had heretofore derived from the existing character and constitution of this great law officer would or would not be put in jeopardy by the present measure. If the Chancellor's situation were, as he contended it ought to be, considered as primarily political, and secondarily judicial, would not the judicial seat be likely to be conferred on those who had most aptitude for the primary duties? If the choice were thus to be directed by political consequence and political connection, the effect would be, that when a lawyer saw that it was not legal eminence but other talents

and other qualities which led to the judicial seat, all persons of talent would be drawn from the law to seek after political distinction.—Lawyers observing that eminence was to be obtained, not, as heretofore, by professional learning and skill, but by other qualities, would withdraw themselves from the acquisition of legal knowledge, and apply themselves to the attainment of political science, character, and influence.—Thus would a most material change be affected in the whole judicial constitution of the country,—a change which all must allow would be a very serious evil. The Court of Chancery, as an appellant court, would lose its consequence in the eyes of the country. If the Chancellor did not live with lawyers; if he was himself a politician, would he not be apt to make choice of politicians rather than lawyers for judges? The magnitude of the evil, therefore, was, as he had already said, nothing less than a change in the whole of the judicial constitution of the country.

Having shown that such would be the evil resulting from the disengagement of the Lord Chancellor from a great portion of his judicial duties, he would proceed to enquire, whether, in point of fact, it was likely that the Bill before the House would so disengage the Lord Chancellor, and lead to the evils which he had anticipated? The Bill bore to be framed on the principle, not to render the duties of the office less laborious, but to provide an assistance for the dispatch of that increase of business which the labour of the Chancellor could not possibly perform. It was not to make the Chancellor of the present times less engaged than the Chancellors of former times, nor to detach from the office any of those duties which had hitherto pertained to it, but to provide for the increase of business which had since taken place. The Bill was calculated to relieve the public rather than to relieve the Lord Chancellor. The great objection which he had to the measure was, that thus professing merely to provide the means of getting rid of that increase of business which the Lord Chancellor was unable to transact, it tended to afford him an opportunity of disengaging himself from a great portion of his judicial duties, and of that business which he was able to transact, and which he had hitherto transacted The first question to be considered was, what was the extent of the increase? In very recent times, 16 or 20 years ago, the person who was Lord Chancellor was not only adequate to discharge the judicial but the political duties of his office. By political duties he meant merely his duties as Speaker of the House of Lords, and a cabinet minister, and not as President of the Court of Appeal. Now, if he were to suppose that the business of the Court of Chancery had been even doubled since that period, it by no means followed that if another judge were to be appointed, that judge would not have the whole of his time occupied, because the Chancellor had formerly a great part of his time occupied by the discharge of political duties, and consequently if it had not been for these duties must have been able to dispatch a great deal more of Chancery business. But to say the business was doubled within the last twenty years was a proposition so utterly extravagant as not to be entertained for a moment. Should they state the increase at one half? This was a supposition, when compared with the fact, almost as extravagant as the other. But say it amounted to one half? what would be the quantity of time unemployed? There was first the time occupied in the political duties, and then half the rest of the time. But there was something like a measure to estimate the amount of the increase by—he said something like a measure, for from the nature of the subject it was obvious, that no precise measure could be obtained. The actual quantity of the accumulation was known, and by dividing it into years, beginning with the year when the excess first happened, they would have the measure of the excess from year to year. If the period, for instance, was 20 years, it would be exactly the measure of 20 years' increase, provided that the pressure of business did not lead to extraordinary exertions on the part of the Lord Chancellor. But it was impossible that there could be any extraordinary exertion; for the year was wholly occupied by ordinary exertion. He meant that the extraordinary exertion could not be to any considerable degree—because, in August last year, the present Chancellor was occupied a fortnight more than any of his predecessors; but then the additional time withdrawn for the addition to his political duty was an abatement more than equal to the other. If, therefore, the actual accumulation (incapable of being kept down by the Chancellor) was the measure of the increase of business, the question was how long it had proceeded? Had it proceeded for 20, or

10 years? On this subject the documents on the table were by no means satisfactory. All was conjectural in them. For his part, he was disposed to think that the accumulation had existed for a period longer than that of which the House was aware. That it had existed for only ten years would, however, be sufficient for his argument, and he would assume that, therefore, to be the fact; consequently, the present accumulation represented the increase of ten years. Now, how long would a judge be occupied in reducing it, supposing him to apply himself solely to that task? It appeared from the reports upon the table, that there were at present undecided 270 Appeals in the House of Lords, and 130 original causes in the Court of Chancery, besides 60 or 70 which were not original, making in all 470 causes. This was the number set down for hearing; but it would not be fair to consider them as the number actually to be heard, as many of them were set down in the mere current of business. Therefore, allowing 70 for the current business of the Court, the arrear might be taken at 400 causes. How long then, he repeated, taking the existing accumulation at 400 causes, would a single judge be in subduing it? If a single judge could subdue this arrear in one year, then would the dispatch of the same increase of business in future occupy only one tenth part of the time of that judge. Viewing the matter as he did, he was persuaded that it would not take above one year of the labour of a single judge to dispatch the whole of the arrear, provided that judge sat on every juridical day. Of such days there were 200 in the twelve months, and so, at the rate of two causes in the day, the whole arrear of 400 causes would be disposed of in one year. But it ought to be recollected that even these 400 causes could not all be efficient. A great many of them proceeded from no other object than delay; as, wherever an accumulation began to take place, it naturally fed itself, and an arrear of legal business naturally led to an augmentation of arrear. Of the 400, he could not suppose that fewer than 50 were for delay, the number to be determined was consequently only 350. It was, as he had already said, his opinion, that a single judge could subdue the accumulation all in one year. This however, was only his private opinion. But, he asked, had the House no mode by which to determine how far this opinion was or was not likely to be well founded? Had they no standard by which to estimate the number of causes that a judge could hear in a given period? Unquestionably they had. By the documents on the table it appeared, that on the average of the years 1810 and 1811, the Master of the Rolls had heard in each year, 370 litigated causes, and of petitions not of consent had settled 670, which were equal to twice 30 causes. But taking them as being equal only to 30 causes, this made up 400 causes decided by the Master of the Rolls within one year. But, it was proved by evidence before the House, that the Master of the Rolls had a great part of his time occupied in other business besides that of equity. In how many juridical days did the House suppose the Master of the Rolls disposed of those 400 litigated causes? In 120 juridical days. The Master of the Rolls sat in equity no greater number of days in the course of the year. The days that he did sit too, were improperly termed days; they were but the fractions of days. He sat, in reality, but 20 juridical days in the course of a year, and the other days on which he did sit were but fractions of a day, namely, from six to ten in the evening. Then, in how long a period would a judge, sitting juridical days, subdue this arrear? The Chancellor's regular juridical day consisted of six hours; 200 juridical days of the Lord Chancellor, therefore, were equal to 300 of the Master of the Rolls days; and, of course, a person sitting 200 juridical days of six hours each, would decide three times the number of causes now decided by the Master of the Rolls within the year; that is to say, 1,200 causes of the same nature, with the 400 at present decided by him. But in answer to this, it might be said the causes so decided by the Master of the Rolls were not of the same difficulty with the causes now in arrear, that they were neither so important and complicated as the Appeals before the House of Lords, nor in their nature so weighty and momentous as those heard in the Court of Chancery, and that therefore this assumption did not hold good. He would grant the argument to a certain length; but suppose three, however, to be only equal to one, and thus reduce the 1,200 to one third, still, on the principle now laid down, the same judge might within the year dispose of 400 difficult causes. Suppose also that the present increase had been produced in ten years, and that one year would be

sufficient to bring up the arrear, it followed that the assistant judge would in future render all the aid to the Lord Chancellor, which, by the present Bill, it was meant he should afford, in the tenth part of each year; and, when the increase which had already accumulated, was subdued, that only one tenth part of the time of such assistant judge would be necessary for the dispatch of the business which he would have to execute. He would allow, however, that this was an exaggerated view of the subject, and would for argument's sake admit that even one fourth part of the time of this assistant judge should be employed: he asked, was not this likely to lead to the evil to which he had already alluded? Would not three-fourths, or say one half of his time, after the discharge of the arrear, be unemployed, unless he were to devote it to the execution of those duties which had hitherto employed the Lord Chancellor in the Court of Chancery. Was it not to be expected, that some other part of the ordinary business of the Lord Chancellor would be thrown upon him? Gentlemen might say, this was not a legitimate argument, and that it was not fair to say, that there must be, because there might be abuse. He allowed that the argument might not be legitimate merely as such, but the question here to be considered, was, if the convenience of the use expected to be produced, might not be outweighed by the inconvenience of the abuse of which the proposed measure was susceptible? And, in his opinion, the latter infinitely outweighed the former. It was asked, also, how it could be supposed that the Lord Chancellor would be guilty of a neglect of his duty or an abandonment of his judicial labours; but he would ask in return, whether the principle of all law was not contrary to this blind confidence in personal character? The law did not presume that a man would do his duty, because he might do it: it rather took care to provide that he should do it. If it was to be supposed that a man would do his duty, there was no law on the subject wanted. Here a case arose in which the Vice-Chancellor employed on the increase which existed in Chancery, would have a considerable portion of time on his hands. His time was placed at the command of the Chancellor, vested with the power to instruct his deputy in the performance of his duty in his place. The Chancellor had the functions of a burthensome office to discharge; he had also other services of a different description, which were occasionally required of him. In these circumstances, considering the strong temptation placed before him by the creation of such an office, was it not possible that he might feel inclined, at times, to yield to the pressure, and employ the Vice-Chancellor in what ought properly to be executed by himself? Might not the House naturally conclude that the purest and best of men might occasionally sink into the indulgence presented to his acceptance. But it was said by the advocates of the Bill on the other side, the eye of the public would be upon him, so that no change of the kind was to be dreaded. This he did not question. He did not expect any violent change; and it was true that the public observation might restrain him from any sudden or great alteration; but the innovation would not be of that nature. What he anticipated was, that the practice would creep in imperceptibly, and that the proper duties of the Chancellor would, one by one, be transferred over to the Vice-Chancellor, till it should in time be forgotten that there ever was a Chancellor with those duties. And this, too, would be the case even where the Chancellor was effective and the Vice-Chancellor was not. This, however, was not all. There was another view of the case in which it appeared most important that the duties now performed by the Chancellor should not be transferred over to the Vice-Chancellor. If there existed any jealousy with respect to this officer, there might be a safeguard; but when he was invested with the same legal trust, the safeguard of public jealousy disappeared, and the Chancellor might, in obedience to higher commands, become involved in the mazes of political intrigue, to the abandonment of all duties except his appellant ones. When it appeared to those who had the command over the Chancellor, that there was an assistant who had sufficient time on his hands to ease him of part of his judicial duties, was there not reason to dread that he would be involved still deeper than he had hitherto been in political business, and in intrigue not known to belong to his office? No rational man could look at the present measure with attention, and not see, that if adopted, the Chancellor would, at some time or other, and, he presumed to think, at no great distance too, be withdrawn from all except his appellant duties; and would not that lead to all the evils to which he had allud-

ed, as likely to result in respect to all our other judicial situations?

Among the arguments used by the supporters of the Bill, there were none which excited in his mind more surprize as addressed to a deliberative assembly than that which maintained that gentlemen had no right to object to the present measure unless they had something better to propose in place of it. Surely no proposition could be more unreasonable in principle, or in its application to this particular case. On a subject of such a nature how few even of the members of that House could be supposed adequate to form an exact opinion of the evil, or bring their minds to an investigation of all its branches and bearings; and, if there were not probably more than six gentlemen in the House who had maturely considered the subject, and were aware of the evil, how could they be supposed to have found a remedy? But suppose that he, as a person who had applied his mind to its consideration, thought some system as an adequate remedy to the evil complained of, was to be found in a person of eminence already holding a judicial situation, how was he, an unauthorized individual, to come with it matured for the approbation of the House? No man could come without authority with a matured plan for the consideration of the House; but any man might come forward and state his opinion on such plan as was submitted for their consideration. It might be, that he had revolved a plan—it might be, that he conceived that one learned judge had more time than was necessary to the discharge of his peculiar duties, and might beneficially assist in the removal of the evils complained of in another court; yet to suppose that he or any other person, under those circumstances, could bring forward a perfect plan for adoption, was to suppose what did not belong to the nature of the subject. Without assuming, therefore, more than belonged to the circumstances that attended the examination of the question before them, he should suggest to the House a remedy, which, he was satisfied, would be found fully equal to meet the evil in its broadest extent. There was an office created for no other purpose but to assist the Lord Chancellor, and when that judge wanted more assistance, was not their attention naturally directed to the office so created? The office of the Master of the Rolls was such office, and the question was, could the House, by a different distribution of the business, make him more effective for the end for which he was constituted? As he had only 20 effectual juridical days, and only 100 fractions of days at present occupied, so it followed that he had one half of his time unappropriated. But an hon. and learned friend of his had said, that though the Master of the Rolls had less of his time occupied in court, he had many other important duties to discharge; for his part, he did not understand what was meant by the word attached to the office—he did not understand any duty to be attached to an office unless it entered into its constitution and specially belonged to it. Those duties described to be attached to the office of Master of the Rolls were Prize and Plantation Appeals. He however, contended, that the Master of the Rolls had no more to do with those causes than any other privy counsellor. He had his (the Master of the Rolls) own words for saying so, for he, five years ago, withdrew from them for 15 months. Could any man conceive that this great and excellent officer would have withdrawn himself from those causes, if it had been his duty to have attended to them. What censure would not he have subjected himself to, if, for the gratification of his private feelings, he had withdrawn himself from the duties of his office? Such, however, was not the case; but it was a mere voluntary occupation of his unemployed time. And should the House not rather call on this great officer to do that for which he was created, rather than suffer him, because he was not sufficiently occupied in that, to employ his time in what was not his duty? It became the House not to appoint two assistants to the Chancellor, when the business of equity could be done with one. On the supposition, then, that the Master of the Rolls were withdrawn from the Cockpit, the question was, could he give the assistance required to the Lord Chancellor and meet the evil of the accumulation they were desirous of removing? If he were to assert at random, that he knew the Master of the Rolls had time enough for the purpose, he might not get credit, and might be met by an assertion of an opposite tendency; but he professed to state, with actual and positive precision, the grounds on which his opinion was founded. To decide this question, let it be seen how much of his honour's juridical time was employed in matters of

equity. With this in view, he must go into a pretty minute detail. The juridical year, deducting ten weeks for the long vacation, consisted of 36 weeks, and of this remainder there was to be a further deduction for Christmas, Easter, and Whitsuntide; after which, the sum being multiplied by six, gave 206 juridicial days, from which, six holidays were to be subtracted, leaving a total of 200 days in the juridical year, during which the Chancellor sate for the administration of justice. Then, on how many of those days did the Master of the Rolls sit for the purpose of assisting the Chancellor? To shew this, he should state when he did not sit. During term time he sat three evenings in the week, and on the other three days he did not sit at all. There were three terms in the year of three weeks each, so that there were nine days in each of these terms in which he did not sit; this made, for the three terms, 27 days on which he did not discharge any business. The fourth term consisted of four weeks, producing 12 days on which his honour did not at all sit, making a result on the whole of 39 days on which he was unoccupied. He never sat on Saturdays out of term, except on the first Saturday after each term; this gave 19 Saturdays out of term on which he did not sit at all; this, added to the former 39, made 58 days on which his honour did not at all sit in equity. He did not mean to say, that the learned judge did not sit elsewhere, but he now went upon the assumption that he was withdrawn from those other functions. His honour never did sit on seal days, and that for a reason which did not now exist, namely, because it was formerly no unusual matter for the Chancellor to sit on seal days, probably till two o'clock on the following morning, and the counsel being the same in both courts, they, of course, would be engaged before his lordship. These seal days amounted to 20, making, with the former 58 days, a total of 78 days wholly unemployed by the Master of the Rolls in equitable jurisdiction.

It remained to be inquired whether those would meet the evil complained of. According to the statement of the noble lord who introduced the Bill, it was intended that the Chancellor should sit three days in the House of Lords. Now the Chancellor's day, though he ought regularly to sit from ten o'clock till four, would be overrated if stated to be, on an average, four hours. The days of the Master of the Rolls would consist of six hours; so 60 of the Master of the Rolls's days would be equal to 90 of the Chancellor's: to this add 20 seal days, which would be equal to 110 days, which the Master of the Rolls would be able to add to the 200 juridical days of the Lord Chancellor. Here, then, was an adequate relief on the supposition of any imaginable increase, the whole juridical year consisting, as he had stated of 200 days, distributed in the proportion he had described. Suppose the increase of business to be equal to one half of the whole; here it was all provided for and more! He asked of his hon. and learned friends to consider this, and to answer it if they could. Let them swell the phantom to any size they pleased, and let them say if these 110 days would not only afford ample assistance to the Chancellor, but were out of all measure above the evil.

Assuming, then, as facts what he had endeavoured to lay down, with what shadow of reason could that House venture on a measure, which appeared pregnant with so much danger, when they found in the constitution of the office already created for that purpose, ample means to meet and remedy the evil complained of. He was aware that there could be no objection to what he had now suggested, except what was personal to that great judge to whom he had so often alluded; and it might be urged, that if he were to sit 200 juridical days, a much larger proportion of his time would be occupied, though surely not more than that of the other judges, or than the Chancellor himself, who united the offices of Speaker of the House of Lords and cabinet minister. With respect to the compensation which this additional labour would demand, there could be but one feeling; but he felt confident, that if an encroachment on the ease of that extraordinary and excellent person would be productive of public benefit, he would feel that to be an ample compensation. He was sure that it would not require more than two years to subdue the existing arrear, and when that was done the leisure afforded to the Master of the Rolls by withdrawing him from Prize and Plantation Appeals, would be more than equal to the increase of business in Chancery. The business which he purposed to withdraw from the Master of the Rolls, to be sure, was not so great as that which he had suggested the propriety of imposing on him. But, he asked, would this

truly meritorious person, in that case, have more to do than the other judges? The Chancellor had as much to do at present; and why should not the situation of Master of the Rolls be rendered as efficient? If any magistrate in this country was entitled to call for a sacrifice to be made to his private feelings, he confessed that the present Master of the Rolls was exactly the person. But no magistrate whatever had a right to call on the public to make any sacrifice to their private feelings. There must, in consequence of the increased labour, be an increase of emolument, not adequate, indeed, to the encroachment made on the ease of this most excellent and valuable judge; but he was certain that highly respectable character would submit to the additional labour, feeling, as he must do, that the good of the country called for it. The encroachment on the ease of his honour, too, he was certain, would not be for more than two years, as then the arrear would have been made up; and he would have the satisfaction of having so eminently served the country, while the alteration would, in the result, be a relief to himself, rather than a burden.

Having thus stated his opinion, both of the present measure, and of the remedy which he himself would propose to substitute in place of it, for the evil which he could not deny existed, he should not now press his negative to the present Bill. He was satisfied that there was not, and could not be in this House any struggle for or against a particular measure like the present; but that the object of all was equally directed to the providing of the best possible remedy for a public evil. If his hints, or those which had been more ably urged on a former night, by some of his hon. and learned friends near him, required investigation, as to the facts or calculations, he hoped gentlemen would take time to satisfy themselves as to their being strictly accurate; and that they would pause before they irretrievably committed themselves, by adopting a measure like the present.—The hon. and learned gentleman concluded by moving as an amendment to the original motion, "That the House do resolve itself into a Committee on the said Bill on this day fortnight."

Lord *Castlereagh* said, that it could not be considered as a compliment in him to observe, that any proposition which came from a member of such eminence and weight as the hon. and learned gentleman on all subjects, but more particularly on one connected with his profession, must be entitled to consideration. In urging, therefore, the committal of the Bill, after the distinct and perspicuous statement with which the hon. and learned gentleman had favoured the House, he begged leave to assure him that he was not influenced by any uncandid motive, or by any disrespect to his suggestions, which were worthy of every consideration; but he thought it due to the dignity of their own proceedings. If by postponing the discussion, or in any subsequent stage of the Bill, the hon. and learned gentleman should succeed in convincing the House, the mode would then be, to negative one Bill and substitute another; but until the present Bill was completed in its details, and amended in its form by passing through a committee, it was not fair to put it in competition with another scheme, and make it optional to decide between it and a plan which could not be digested sufficiently. The hon. gentleman might hereafter, if he felt so inclined, bring forward his ideas in the shape of a substantive proposition, and it would then be for the House to determine, but in the meantime it would be only right to mature the original measure by suffering it to go through the Committee. At the same time, he thought it right to state, that as far as he was able to follow the ingenious statement of the hon. and learned gentleman, he did not apprehend that the remedy he proposed was adequate to meet the evils which he acknowledged to exist. In the proposition offered by the hon. and learned gentleman, he appeared to him to have begun at the wrong end of the scale; for it did not follow that the time in which 400 causes were disposed of in the Rolls Court, could suffice for the same number in the Court of Chancery, and still less in the appellant jurisdiction of the Lords. The question was not, how many causes the Master of the Rolls could decide, but how many Appeals the House of Lords could hear, and how much of the Chancellor's time would be thereby occupied? The hon. and learned gentleman had removed the Master of the Rolls from the Cockpit without suggesting how the important business transacted in that Court was to be carried on in the absence of the learned judge who now attended; he was also much mistaken, as he apprehended, in the distribution of the time of the learned judge, who, so far from having time to spare, suffered so much in health

from his unremitted exertions and continued labours as to be obliged (to the great loss of the House) to relinquish his seat. Thus, what would be gained in Chancery by the Master of the Rolls sitting in that court from ten till four during so great a part of the year, would be lost in the judicial business which that learned officer now discharged at the Cockpit. Here he certainly might be and was as beneficially employed as he could be in any other court. The hon. and learned gentleman had assumed, that a judge in equity was not employed usefully except in court, but he was as necessarily employed in examining cases and preparing judgments when out of court; it therefore appeared that there was nothing conclusive in that argument. If the expedient proposed by the hon. and learned gentleman were really as practicable as he represented it, it was extraordinary that it should never have suggested itself for such a long course of years; and this, he thought, afforded the most pregnant proof that it was impossible to resort to any other measure than that of an additional judge. Another evidence of this might also be adduced from the conviction in the mind of the noble lord who filled the station of Lord High Chancellor, that the evil of delay could not be adequately counteracted by the sitting of the Master of the Rolls, or of any other existing judge, insomuch so that that high personage had consented to this measure which went to establish an officer, half of whose pay would be derived from his own emolument. He did not comprehend, how the evil which was apprehended from the appointment of a Vice-Chancellor by withdrawing the Lord Chancellor from his judicial to political pursuits, would not take place in an equal degree, if the Master devoted so great a portion of his time as had been proposed, to the business of Chancery. Under these circumstances, he deprecated any course of proceeding which would obstruct the form that would best enable the House to form a final judgment upon the merits of the Bill which was now under their consideration. He was, therefore, hostile to any proposal which might hinder the Bill from being put into a state in which a correct opinion might be formed on it. By going into a committee, the clauses necessary to a correct judgment on it would be inserted, and on receiving the report, or on the third reading, it might be negatived or not, as it seemed good to the House, when the hon. and learned gentleman's proposal might be brought forward in a more detailed form.

Mr. *Leach* explained. The noble lord had not fairly represented him, to say that he had allowed only the same period for the average length of causes before the Master of the Rolls, and those of which this mass of delay was composed: for, it must be in the recollection of the House, that he had allowed thrice as much time for the latter as for the former. The House would probably indulge him in a few words, which might not be strictly termed explanation. The appeal causes which came before the privy-council in the Cockpit, were in part legal, in part equity causes. The employment of the Master of the Rolls in that court was in consequence of the causes of an equitable nature, but there was a judge, who entertained jurisdiction over both these species of causes, and who would, it could scarcely be denied, be a very proper judge to be entrusted with the administration of justice in this particular branch. Such a judge was the Chief Baron of the Exchequer, an officer whose functions rendered him equally competent to decide in questions of law and in matters of equity, and he was also already a privy counsellor. It had been said, that the time of this judge could not be taken from the Court of Exchequer without inconvenience. But this objection was easily obviated, without any inconvenience. For ten days after each term, the judges were occupied in the Exchequer with what were termed equity sittings. These 40 days were more than equal to the time occupied by causes at the Cockpit. During these sittings the Lord Chief Baron might sit at the Cockpit, and there would be left three judges at the Exchequer to hear these equity causes. Could this be esteemed an inconvenience, when the business of the first equity court in the country was managed by one judge? With reference to the same point, too, he had to observe, that whenever the great seal was put in commission, the number of judges appointed was three. So that in the present case there could be no great inconvenience in having three judges, the number which he proposed to leave in the Court of Exchequer, instead of four as it was now constituted.

Mr. *Wetherall* bore testimony to the accuracy of the statement of his hon. and learned friend, and the clearness with which it had been made. His objections could only apply to the arrangements

which his hon. and learned friend had founded on his statements. He would not deny that these arrangements would keep down the accumulation of causes in Chancery. But there were three objections to the arrangements proposed by his hon. and learned friend: the first regarded the feelings of that excellent judge who filled at present the situation of Master of the Rolls. 2. The Master of the Rolls would be still allowed to sit in parliament, but the privilege would be nugatory, as his time would be entirely occupied by the business of his court. The third and main objection was to the transposition of the Chief Baron from the Exchequer to the Cockpit. If the head of the Court of Exchequer were thus to be cut off as proposed by his learned friend in the enthusiasm of his plan, he did not know why the same operation might not be performed on the other courts. He knew, however, why it should not be performed on the Court of Exchequer. Two of these judges were especially qualified for the legal business, and two only were selected from equity lawyers. By removing the Chief Baron only one judge acquainted with the equity business would therefore be left in the Exchequer, and the grievance which now existed in the Court of Chancery would be entailed on the former court. There was at present a little gout in the Court of Chancery—the legal fluid did not circulate—and this gout was to be transferred to the Exchequer. With the professed view of accelerating the decision of an equitable litigation, it proceeded to retard them in one court in order to quicken them in another. Indeed, there was such delay at present in the Exchequer that it had been proposed to separate the equitable from the legal jurisdiction, in order to further and promote the discharge of business. The arrangement in question would make three innovations to remedy one evil, and the proposition of his hon. and learned friend would, be, in his opinion, productive of infinitely more mischief than that which it professed to remove.

Mr. *Abercromby* said, he had been glad to hear the accuracy of the statements of his hon. and learned friend admitted, and still more so to hear it conceded that the arrangements proposed by him would meet the evil; and his satisfaction was not a little encreased, when he heard the objections to those arrangements. Compared with the admissions that had been made, he was sure the fresh objections started would weigh but little with the House. As to the first objection of his hon. and learned friend who had spoken last, he did not agree with him in thinking that the excellent judge alluded to would be unwilling to afford an assistance which was necessary to the public, and which should be called for by parliament. His hon. and learned friend opposite had stated, that by increasing the duties of the Master of the Rolls, he would be prevented from attending in this House, an evil which, he owned, could not be sufficiently deprecated. But how came it that on this important Bill, with the nature of which he must be supposed to be so intimately acquainted, the House was deprived of the assistance of the Master of the Rolls. The inconvenience from the Master of the Rolls not having a seat in that House, they at present laboured under; neither had the authority of this excellent judge been quoted as favourable to the Bill, however weighty an argument it would be in favour of the measure, if that Bill had come to the House backed by his name. His hon. and learned friends (sir S. Romilly and Mr. Leach), after devoting more of their time to their legal business than the Master of the Rolls would be, under the arrangement proposed, obliged to devote, found time for attendance in that House. The hon. and learned gentleman had asked, why not extend the principle of his hon. and learned friend to the other courts? The answer was, that the other courts had an unmixed jurisdiction; that it was of a most extensive nature, and that from the various and laborious duties to be performed on circuits, a certain number of law judges was indispensable. It must have occurred to his hon. and learned friend that, the reason for the number of judges in the courts of law was, not to transact to greater advantage the ordinary business, but to secure a sufficiency of legal knowledge on nice and important cases. To give any further answer to the third objection would be only to weaken what had been so well stated by his hon. and learned friend. He could not but consider that none of the objections had any weight when compared to the solid arguments and perspicuous eloquence which had been that night displayed; he trusted, therefore, that if the committee did sit that night, a future opportunity would be afforded of giving to the suggestions of his hon. and learned

friend all that candid consideration to which they were so well entitled. These three objections were all that had been set up against the arguments in opposition to the Bill, which had been urged with such weight, eloquence, and wit, on that and on a former night.—The hon. gentleman then generally defended the plan proposed by his hon. and learned friend near him, and maintained that all the objections urged against that plan by the last speaker, even allowing that they stood uncontradicted, could have no weight against the evils of the measure now before the House, the principal of which would be to estrange in a short time the Lord Chancellor from his high judicial functions. One point more he would put to the candour of the noble lord opposite, and he was sure that appeal would not be made in vain. He had himself no objection to the Bill going into a committee, as he was anxious to hear the amendments which had been announced from various quarters, but he hoped that after the Bill had gone through that stage, the noble lord would not press immediately the consideration of the Report.

Mr. *Horne* supported the Bill; but from the low tone in which he spoke, it was impossible to collect the greater part of his speech. The evil which called for remedy arose in part in the Court of Chancery, and in part in the House of Lords. To the inconvenience in the latter place the Master of the Rolls could apply no adequate remedy. He also supported the Bill, on the ground, that the Lords had approved of it, and that as the arrear of causes lay with them, it was natural to suppose they were the most competent to ascertain the remedy.

Lord *Castlereagh* said, that it was not his intention to press a decision on the Bill, until it was printed with the amendments, and in the hands of the members. There was no desire to hurry it through, nor to call for any decision, till an opportunity was afforded for every member, to make himself fully acquainted with the nature of the measure proposed, and ascertain whether or not it was likely to be efficacious in remedying the evil under which the country laboured. He should propose Friday, or that day se'nnight, as the day for bringing up the Report.

Sir *S. Romilly* said, that before going into the committee he should say a few words on the provisions in this Bill, and in the first place offer some remarks on the plan of his hon. and learned friend. In this plan there was no innovation on the existing judicial constitution, but it called into use those means, which, though dormant, yet resided in it at that hour. It consisted merely in that remedy which all courts had recourse to on an increase of their business, namely, to increase their sittings. It was not necessary for his hon. and learned friend to move specifically the plan he had submitted to the House; it was enough for him to have pointed out a way by which the evil now before the House could be obviated. The Cockpit business had been said to belong peculiarly to the Master of the Rolls. But the fact he believed, was, that before the present Master of the Rolls' predecessor, certainly, in the time of sir T. Sewell, that judicial officer did not take part in this business. He was not quite sure whether lord Kenyon had ever attended in that court; but he knew that before him no Master of the Rolls had ever exercised such a function. The attendance of the Master in the Cockpit was therefore itself a novelty, and if it was contended that the new duties, which his hon. and learned friend proposed to impose upon him, would interfere with his other avocations, then let a new office be created, but let it be an effectual one, for the particular purpose of presiding in that court of appeal. If an additional judge were necessary, it would surely be better to create one to attend at the Cockpit; because when a new judicial office was erected, should it not be endeavoured to avoid breaking in on the present judicial establishment? He did not know how it happened that out of so many privy counsellors who had filled the great offices of state, and many of whom were in the receipt of large sums of public money, there could not be found any to attend the judicial business of the council. He was ignorant of any reason that could be assigned, why such of them as from education, professional habits and experience, might render important assistance, did not give their presence and aid to the adjudication in the Cockpit. The Chancellor of the duchy of Lancaster, for instance, was an officer who was frequently an eminent lawyer, as was the case at present. Yet neither this officer, nor any of the 120 other privy counsellors (except the Master of the Rolls) performed the duty in question. He could not see why the Master of the Rolls should be taken from his usual occupations to transact this

business instead of assisting the Lord Chancellor, when out of this number of privy counsellors so many might be found competent to supply the deficiency. Four or five days only were necessary for Plantation causes, and a few more in time of war for Prize Appeals. It was, besides, an error to suppose that trifling causes only were decided before the Master of the Rolls, many of them were of the most complicated nature, requiring the most mature deliberation, and, in fact, took very often twice as much time as causes before the Chancellor. It was true that the case had been different in the time of former Chancellors. Twice as many causes were usually heard in the Rolls during the time of the present Master, as during that of any of his predecessors, so that the present Chancellor had less to do than formerly. The fact was, that the duties of the Master of the Rolls had been greatly changed and multiplied in the time of the present Chancellor. A vast deal had been transferred from the latter to the former, and in that proportion the latter had been relieved. He was sorry that an hon. and learned gentleman, whose mind was so well formed to struggle with the objections urged against this measure, had left them almost entirely untouched. He drew a strong conclusion from the silence of that hon. gentleman (Mr. Horne). As to the argument which had been used, that the eyes of the public would be on the Court of Chancery, and that thus the evil arising from the absence of the Chancellor on political business, would be prevented by public jealousy, nothing could be more futile. Who composed the public here alluded to, or who was to make the grievance public? Was it to be supposed that the counsel, or solicitors of the court, would complain of the absence of the Chancellor during four days instead of three? during five days instead of four? It must be obvious that the evil must grow to a monstrous magnitude before any such complaint would be made. The main objection was, that the evil would be irremediable. Why should not the Bill be made a temporary one? Why should the officer be appointed for life? When the Chancellor was estranged from his court, and the evils consequent on this estrangement became manifest, this Vice-Chancellor could only be got rid of by turning the office into a sinecure. A much readier and safer way to relieve the Lord Chancellor from the pressure of business, of which he complained, would be, as he had observed before, to separate from his high office the bankruptcy cases, which took up so much of his time. Nor was the idea so novel as some gentlemen had affected to represent it. The bankrupt causes, of which it had been proposed to strip the Chancellor, had been said, on the other side of the House, to be essential to his office. These causes, were, however, a modern excrescence on the office. After the first statute concerning bankrupts in the time of Henry 8, bankrupt causes were subjected to three commissioners on their present footing, in the time of queen Elizabeth.—These commissioners were at first supposed to determine bankrupt causes without appeal, and consequently there was no appeal until the time of Lord Chancellor Nottingham. Lord Chancellor Nottingham hesitated for some time to entertain jurisdiction in the case, and stated as a reason, the possibility of the inconveniences which have since arisen. He at last consented, and was the first to exercise this jurisdiction; but during the time of lord Talbot, lord King, and lord Macclesfield, there were so few interferences of this kind that there were not 20 before the time of lord Hardwicke, when a great increase took place in consequence of the statute 5 George 2. It was from this period that bankrupt causes came exclusively to be brought before the Lord Chancellor, and it could therefore be no innovation to detach from that office, that which had never been entailed upon it by statute. The only reasonable objection was, that these causes were too important to be heard without appeal. But it was proposed to give in the Committee the power of hearing these causes without appeal to the Vice-Chancellor. With regard to the emolument, in his opinion the Vice-Chancellor's proposed salary of 4,000*l.* was quite an inadequate recompence to any lawyer of great talents to induce him to leave the bar; and it was strange also that this officer, who was to take precedence of the Master of the Rolls, of the Chief Justice of Common Pleas, and of the Chief Baron of the Exchequer, should be placed in so degraded a situation. As to the Master of the Rolls, if the salary of that office was small, it must be collected that it arose only from the disinterestedness of the judge, who filled that station at present, as he had refused an increase of salary when it was granted to

the other judges, alleging the increased fees of his court; but this would not be the case with the new law officer they were called upon to create, as all the fees of Chancery were to belong, as formerly, to the Lord Chancellor. He was however anxious to hear the amendments which were intended to be proposed, and which were to make the Bill now under contemplation quite different from what it was in its original state; he would not in consequence press the motion, nor did he believe it was intended so to do. He wished to hear the improvements which were to be proposed, since the Solicitor General had supported the Bill rather as what it might possibly become, than as what it actually was.

If it were necessary to create a new office, it should be a far different one from what was under discussion, and, indeed, a pretty strong censure had been passed on the Bill by a learned serjeant (Mr. Best), who also said he voted for it not as it was but as it might be. Before he sat down he would, however, submit a few more observations to the House. It had been said that the subject had been discussed before; this, however, he would utterly deny. The Bill had certainly undergone no discussion in the other House, and the only discussion which he had heard in the profession consisted of a wish that the Attorney-General might be appointed to the new office, and that which took place in this House on Thursday last. He thought of course, they could not be too cautious how they proceeded on that delicate subject. He had been accused of writing a pamphlet on that question, but he could not well see how this could be made a matter of accusation against him. He had never denied the fact, and had even sent the production as a present to most of his acquaintances. He thought the subject of the highest importance, and felt it as his duty to state publicly the insuperable objections he saw to the measure. He was sorry his hon. and learned friend, the Solicitor General, had not read them; his hon. and learned friend had expressed himself in favour of the measure; but he had declared, at the same time, that he would not vote for the Bill such as it then was, but such as it would be when coming out of the committee. His hon. and learned friend had owned, besides, that he was but little acquainted with the practice of the Court of Chancery, so that he was pretty well convinced that his opinion on that subject would not have with the House the same weight to which his well-earned professional reputation would entitle him on any legal subjects.

The objections which had been urged against the Bill were not worthy of consideration. As to what had been said concerning the Master of the Rolls not having a seat in that House, he thought it would be a great benefit to the public if no judicial officers had seats in that House—no masters in Chancery—and no Welsh judges.—A judge was generally the worse judge for being a member of parliament—the worse member of parliament for being a judge—nor were they ever to be found to take an active part in the rugged professional business of the bar. What in his view of the matter was to be feared, was that the Vice-Chancellorship might in a short time become a sinecure, and, that in that case, the way to it would be not through the rugged paths of the law, but through the pleasant avenue of that House. The hon. and learned gentleman then adverted to the necessity of ascertaining first, the measures which the House of Lords were likely to adopt to avail themselves of the more frequent assistance of the Lord Chancellor in hearing appeal causes.

It would be necessary, if this Bill passed, to make some provision that there should be a fuller attendance in these cases. At present it was said that the Chancellor was often seen pacing up and down the House for three or four hours before there was an attendance. The House, indeed, had never met before two o'clock, till within the last three days. Within that period, the attendance had been most exemplary. It was true, that within these three days the noble lords had sat earlier than usual to dispatch their judicial business. On Saturday the sitting was announced for ten o'clock, but on their arrival at the House, the suitors and counsel were informed, that their lordships would not be ready before one o'clock. This morning they had sat at eleven o'clock, and the same hour was announced for to-morrow. But he was apprehensive that, from this short trial, their lordships might be disgusted with their laborious task, and conceived it to be indispensably necessary to ascertain whether they would give their attendance regularly before that was insisted on as an argument, or made the ground of an enactment.

Mr. *Bathurst* said that after the delay which had been granted by the noble lord

he did not think that the objections to the measure would have been pressed at this time. It was not true that the subject had not been brought under the consideration of the House. Papers had been laid before them on the subject as long ago as June or July, 1811; and if no attention had been paid to it, it was not the fault of those who brought the measure forward. The project which had been produced to-night, for the first time, of exonerating the Chancellor by throwing the burden on the Master of the Rolls, had, however, met with the immediate approbation and adoption of the learned gentleman who required so much time to consider. The hon. gentleman had made use of arguments against the exercise of the judicial functions of the House of Lords, which were equally applicable to the expedient which he was himself disposed to countenance. It was very obvious that no step could be taken to impose on the Master of the Rolls the very laborious duty which it had been suggested he might undertake without the concurrence of that officer, and the hon. gentleman seemed not to be aware when he was objecting to innovation on the one hand, that he was on the other advocating a very violent innovation, namely, a complete change in the judicial functions of a magistrate, whose duties were so important as those of the Master of the Rolls. Could this proposal be carried into effect without the consent of the Master of the Rolls himself? It evidently could not. Was it then no novelty to call upon a great law officer for his concurrence in a legislative measure, which would be rendered nugatory without it? What security was there that the Master of the Rolls would regularly attend to this increase of business, unless compelled by a superior authority; and if he were made amenable to the Chancellor, the same objection would occur as had been insisted on against the appointment of a Vice-Chancellor. It had been said that the evil was temporary. It would therefore require the application of an immediate remedy, and this remedy was to be supplied by the increased exertions of the Master of the Rolls, whose health had made it necessary for him to decline several of the duties in which he was already engaged. Several experiments had been proposed with respect to alterations in different courts of judicature. Among others, to remove the Chief Baron for a certain part of the year to the Cockpit. And it had been argued in this subject, that the three remaining judges in the court of Exchequer would be as good as four, entirely forgetting the rank and weight of the Chief Baron, and the loss of authority to the court, which would follow from his withdrawing himself to hear prize and plantation appeals elsewhere. It had been stated, that in 1806, when the Master of the Rolls declined attending at the Cockpit, the business went on as before. This was only true of the ordinary routine business, for important causes were uniformly held back. Another objection had been stated, that the decision of bankrupt causes was comparatively a novelty, an excrescence from the office of Chancellor. Now the only proof of this was, that the quantity of business of that kind had greatly encreased of late. But as long as any questions of that kind existed, though in a much less proportion, they had always been referred to the Court of Chancery, and therefore referring the increased number of causes of bankrupts to the same Court was no innovation, no excrescence. The subject was, no doubt, argued according to the most correct syllogistical form by the logicians on the other side of the House. If the business was to be transacted by the House of Lords, the Chancellor must preside there, and if so, he must be taken from his own court for the purpose, and thus in remedying one evil another would be created. It had also been suggested that the House of Lords should attend in a body, but assuredly, no one who thought calmly on the subject, could wish, however full their attendance might be, that their deliberations should want that weight and authority which they derived from being directed by a person of avowedly high character for legal knowledge and abilities. From the assistance of such a person, their decisions would derive a claim to satisfy suitors, of which no one could wish to see them deprived. The measure now before the House had met with the approbation of the House of Lords, and that was a circumstance which could not be sufficiently insisted on, entitled as they were to judge of the subject. But no advantage had been taken of this to hurry the measure through that House, on the contrary, it was proceeding through it slowly and regularly, such opportunities being afforded for due deliberation as its importance demanded.

Mr. *Stephen* said, that his hon. and learned friend had expressed his intention

to be brief in the observations he had addressed to the House; but he had, nevertheless, proceeded to say so much, and that so well and so antithetically put, that it was impossible to pass it over in silence. His hon. and learned friend had disputed his sufficiency to judge of the subject before the House; it was certainly true, that he had not so much business in the Court of Chancery as he (Sir S. Romilly) had; but he was sufficiently conversant with it to dispute the correctness of a statement which he had made very prejudicial to the character of the English bar. The hon. and learned gentleman, in speaking of the Chancery bar, seemed to think that if great and flagrant abuses prevailed there, abuses plain and palpable, no gentleman in that court would stand up to point them out and oppose them—that there would not be spirit enough among those who officially attended there, to remonstrate against any open and gross dereliction of duty on the part of a Lord Chancellor—he saw nothing in the conduct of the persons connected with that court to warrant such an opinion. Indeed, he was sure if any abuse were observable, his hon. and learned friend would be the first man to expose it. As to the idea with which his hon. and learned friend seemed to be impressed, that a person might be chosen as keeper of the great seal, rather for his political influence, than for his professional knowledge, he thought it was the veriest bugbear that ever the imagination conjured up, to believe that a minister would select for that high office, any person who did not possess great legal information. It would be impossible for any minister to appoint any individual to that office who was not fully adequate to the discharge of its duties, and whose incapacity would be soon exposed to the eye of parliament and the country. And, if there even were all that servility in the court, which would induce the gentlemen attending it, to conceal the want of knowledge of the individual placed at the head of it, were he indeed unfit for his situation, in that case, he hoped there would be at least spirit enough within the walls of that House, to remedy the evil. Sure he was, if such a state of things existed, his hon. and learned friend would not sit long amongst them without making it known, and he felt convinced, the House would, in the true spirit of constitutional feeling, listen seriously to the appeal. A little reflection would make his hon. and learned friend sensible of the injustice of such an assertion; and, indeed, it only needed to be said, that he himself practised in that court in order to make every other person who was acquainted with his character sensible of it. Now, with respect to the question before the House, it had been argued that it was the object of ministers to create a magistrate, who, under the cloke of magistracy, should be really a purely political character, and such being their design, a person would be installed in the new office, who, from a want of professional ability and practice, would be totally incompetent to perform the duties of the Chancellor in his absence, a phantom, a shadow, who would bring into disgrace the very office, the duties of which he would affect to perform, and who would occasionally have to decide in a court of appeal a cause which he could scarcely decide in the court from which the appeal would lie, without creating a necessity for it. He thought that these views imputed to ministers were at once absurd and unjust; but supposing they were disposed to act on such views, could they expect that their election of an individual to fill the office, if improper, would go unquestioned, or that there were not many individuals there who, in the spirit of the constitution, would call the attention of the House to the circumstance. The hon. and learned gentleman had expressed an opinion, that it would be better if Welsh Judges and Masters in Chancery were not permitted to have seats in parliament; as, to use his own phrase, they were worse judges for being members of parliament, and worse members of parliament for being judges. He could feel no other sensations than those of pleasure, in being thus placed in company with the Master of the Rolls; but the memory of that gentleman's parliamentary career had not so entirely faded from their recollection, his great talents, his well-known integrity, were not so completely forgotten, as to induce a presumption that his hon. and learned friend's proposition would meet with much approbation. He could not see why persons who held judicial situations were improper to be admitted to seats in the Commons House of Parliament. He thought that the reasoning, if true, ought to be carried farther, and that not only judges, but lawyers who might wish to become judges, ought to be equally excluded. And, with all the absence of ambition which distinguished his

hon. and learned friend, he did not think he would stand up and say, that great professional characters, at present members of that House, should not be made judges. If, however, the sarcasm was personal and aimed at himself, he could only say, that his hon. and learned friend had the experience of two years, as to the manner in which the business of the situation which he (Mr. Stephen) held, was performed—and he could tell whether his parliamentary duties prevented him from properly attending to the office which he filled. If any neglect were apparent in that office, he called on his hon. and learned friend to pronounce that sentence which his conduct deserved. He was very much astonished that his hon. and learned friend should support a proposition which had for its object to increase the labours of the Master of the Rolls: that right hon. gentleman, it was well known, in consequence of ill health, and the increasing duties of his situation, had found it absolutely necessary to abridge his attendance in that House; and yet, the plan which was adverted to, and which his hon. and learned friend seemed ready to support, would increase his duties three-fold. The hon. and learned member then went on to state the necessity of the attendance of the Master of the Rolls in the Privy Council. With regard to an expression he had made use of on a former night respecting the duties attached to this office, the hearing of Prize and Plantation Appeals, he had meant simply that they were attached to it by custom and by choice, not by necessity. He concluded by expressing his opinion, that it would be highly improper to intrust the business of bankrupt petitions, which was of a more delicate and important nature than any other in Chancery, to a subordinate officer.

Sir *S. Romilly*, in explanation, said, that in the observation he had made, as to persons being members of parliament, as well as judges, he certainly had no intention to insinuate that his hon. and learned friend did not discharge his judicial duties with great propriety, because he was a member of that House. He had on the contrary, no hesitation in saying, that his hon. and learned friend's duties could not be better or more correctly performed by any person than they were by him. He merely meant what had fallen from him as a general proposition, without intending to allude to any individual. Of this he was sure, that the present Lord Chancellor had stipulated with some gentlemen, before he admitted them to be Masters in Chancery, that they should not become members of parliament.

Mr. *Stephen* said, that was done merely for the convenience of business; and he was entirely ignorant of the proposition standing on any constitutional objection to the propriety of the Masters in Chancery holding seats in parliament.

Mr. *Marryatt* was of opinion that the Chancellor would derive a great relief from the business of bankrupt petitions being withdrawn from him. He had been himself recently an assignee in a commission of bankruptcy, in the course of the proceedings consequent on which the Chancellor had to hear six petitions immediately, and five others remotely connected with the commission. The House would estimate the amount of labour that might be spared him not only in the hearings but in the perusal of the multifarious documents on which he was to frame his decisions.

Mr. *Simeon* observed, that, eighteen years ago, when he became a Master of Chancery, not one of the ten gentlemen who composed that body had a seat in parliament; and, of those who had been admitted by the present Chancellor, a very small portion were members of that House; it was consequently but just to infer, that, in appointing them, no political object was attended to.

The question being put, the Amendment was negatived, and the original question carried. The House then went into the Committee.

Lord *Castlereagh* proposed to fill up the blank left for the Vice-Chancellor's salary, with the sum of 5,000*l.* per annum; one moiety thereof to be paid by the Lord Chancellor; and, for the payment of the other moiety, the sum of 60,000*l.* taken from the dead fund in Chancery, to be vested, which would rather more than cover it.

Mr. *R. Gordon* thought, if the Chancellor were to pay any part of the salary, he ought to pay the whole, as he gave up the principle by contributing any portion. He would therefore oppose the clause.

Lord *Castlereagh* was proceeding to explain the manner in which the payments would be made, when

Mr. *Gordon* observed, that his objection did not go to the method in which the payment was to be made, but to the payment altogether.

Lord *Castlereagh* said, that, of the various sums paid into Chancery, a part must remain unclaimed; and they were not acting on any new principle, in taking a portion of this dead cash, to defray the expences of Chancery; particularly as care would be taken that no appropriation of this money should interfere with the claim of any suitor who could make good his title.

The clause thus filled up, was then agreed to. His lordship next proposed a clause, restricting the Vice-Chancellor, or his officers, from receiving fees, which was also agreed to.

Mr. *Ponsonby* said, ironically, it gave him great satisfaction to find, that those hon. members who expressed their conviction that, in the committee, such improvements would be made in the Bill as would render it quite palatable to them, had all their wishes fulfilled by the introduction of the clauses and the filling up of the blanks as proposed by the noble lord. The Bill was so framed that the Court of Chancery must be now rendered a perfect model of legal dispatch and judicial celerity. So complete was it in all its parts, that he was almost tempted to believe it would banish litigation from the world. Nothing would remain but a little amicable controversy, as to who had a right to this, and who had a right to that. He could not help again congratulating those gentlemen who expected that the Bill would be rendered so perfectly palatable.

Mr. *Preston* objected to the payment of any part of the salary of the Vice-Chancellor, out of those funds which belonged to the suitors of the Court. If no other person undertook the task he should feel it to be his duty to bring the subject of the dead fund under the consideration of the House.

Lord *Castlereagh* observed that similar objection would lie to the payment of the salaries of the Masters in Chancery, and to a variety of other expences, which were defrayed from this fund, for which there were no claimants.

Mr. *Preston* said, that commissioners ought to be appointed to examine into the nature of that fund, and to probe it to the bottom. It was not right that property should be left in Chancery, "a dead fund," as it was termed, because those to whom it belonged had not an opportunity of extricating it. He hoped, therefore, some legislative provision would be made to render this an active fund. And, if no other gentleman had the resolution to propose a measure on the subject, he repeated that he should feel it his duty to submit to the House a Bill for the attainment of so just an object.

Mr. *Simeon* said, the hon. gentleman had most strangely mistaken the fact. He seemed to think that the Court took the property of suitors from them, to apply it to its own purpose. The truth was, that vast sums of money were paid into Chancery, and from thence lodged in the Bank of England, where they lay dead and unproductive, unless the parties applied in time to have them vested in the funds, and the dividends carried to a distinct account, for the benefit of the successful suitor. Every shilling was appropriated to the benefit of the suitors, and, if they neglected to make their claims, it was their own fault, not that of the Court.

Mr. *W. Courtenay* thought the case put by his hon. friend (Mr. Preston) was a very strong one. It appeared that a fund was formed out of sums of money belonging to persons who, from poverty or other causes, were unable to make good their claim. It was the property of those who represented the persons to whom it originally belonged and not of the Court of Chancery. He, therefore, thought some mode should be adopted, by commissioners or otherwise, to give relief to individuals thus situated.

Mr. *Simeon* said, that the principal of those sums was not used. The interest, arising from the investment of a portion of this fund, which would otherwise lie dead and produce nothing, as no claimant was known who could direct its application, was alone appropriated to the expences of the court.

Sir *S. Romilly* said, the observation of his hon. friend (Mr. Preston) was perfectly correct. There was, in the Court of Chancery, a very large and an increasing fund, which was undoubtedly ready, when the suitors came and claimed it. But there were a variety of circumstances, which rendered it almost impossible to make out a good title; for instance, the death of the parties, the difficulty of finding representatives, the neglect of solicitors, &c. In consequence of this, large sums remained in Chancery, which had not been claimed for many years, and perhaps never would. But the Court ought to afford facilities for getting out a great part of this property, as it seemed, that it was locked up there, on account of

some defects in the constitution, or in the forms of that Court. What his hon. friend said, did not cast an imputation on any person, but only went to this, that such a fund ought not to be suffered to exist, if the persons to whom the property belonged could be discovered. Now, the sums thus lying dead, were not like the unclaimed dividends, the property of persons who had died without making a disclosure of their having money in the funds; on the contrary, much of this property belonged to persons who knew of its existence, and had, perhaps, for years, been vainly endeavouring to procure it. Whether this evil arose from the forms or practice of the Court, the cause ought to be removed.

Mr. *R. Gordon* said, that the suitors' money, in his opinion, should be put out at interest, to accumulate for their benefit, and not be suffered to lie dead in the Bank of England, or be applied to purposes such as were proposed by the present Bill. What had fallen from the hon. gentlemen opposite confirmed him in his opinion of the impropriety of paying any part of the Vice-Chancellor's salary out of this fund. He hoped the next time the Bill came before them, the noble lord would be authorized to state, that the Lord Chancellor, since the measure was for his benefit, coincided in his objection, and had volunteered to come forward and pay the whole salary himself. He was sure such a determination would be approved of by the whole House, and he might even add, by the whole country.

Mr. *Stephen* wished to explain the misapprehensions which seemed to exist relative to the dead fund. If a Chancery suitor applied to have the litigated property vested in stock, it was always done: but, where the parties did not express a wish to that effect, the Court did not like to interfere, lest a loss might be sustained, which was not unlikely to happen, where stock was purchased in one term, and sold in the next. If such a loss were occasioned by the mere act of the Court, unauthorised by the suitor, the latter might conceive himself hardly dealt by. When the fund in the Bank of England accumulated very much, a part of it was vested in stock, the interest of which was laid out in the building of the Six Clerks Office, and defraying other expences connected with the Court of Chancery; but every act of parliament provided for the security of the persons whose property was thus put out at interest, if any just claimant appeared. Of course, when the amount of property floating in Chancery was 25,000,000*l.* it was natural to expect that a considerable sum would remain for ever unclaimed.

Mr. *Wetherall* said, that the use made of the dead fund was a mere conditional appropriation, in the same way as government applied to the exigencies of the state, one million of the unclaimed dividends.

Sir *S. Romilly* said, it was very strange that the Court of Chancery would not invest any part of the dead fund for the benefit of the suitors, without being desired by them, and yet, without their leave, would put it out at interest for the benefit of others.

Mr. *Baring* said, it was clear this fund did not belong to the public, and it was, therefore, dishonest to meddle with it. Those who could make out a claim to the principal, had an equal right to the interest.

Mr. *Tierney* was of opinion, that, as it was proposed to take 5,000*l.* worth of labour off the hands of the Lord Chancellor, the learned lord (whose fees and emoluments were increased by the access of business, which rendered this relief necessary) ought to defray the whole expence.

Lord *Castlereagh* rejoined, that a moiety of the 5,000*l.* was as much as, in justice, the Lord Chancellor should be called upon to pay. Instead, then, of charging the other moiety on the consolidated fund, it was proposed to be defrayed from the dead fund in Chancery, by which, not the Lord Chancellor, but the public, were relieved. As the suitors would receive the benefit from the additional celerity and dispatch of business, they could and ought to have no objection to this arrangement.

The House then resumed; the Report was brought up, and ordered to be taken into further consideration on Monday next.

HOUSE OF LORDS.

Tuesday, February 16.

Petitions against the renewal of the East India Company's Charter, were presented by lord Walsingham, from Stockport; lord Rolle, from Barnstaple; and the marquis of Stafford, from Bilston, in Staffordshire.—Ordered to lie upon the table.

The bishop of Norwich presented two Petitions against the Catholic Claims, from the archdeacon and clergy of Suffolk, and the archdeacon and clergy of Sudbury. His lordship stated, that he presented the Petitions *ex-officio*, but he felt himself called upon at the same time to state, that he dissented from their prayer, which he hoped would not be granted.

HOUSE OF COMMONS.

Tuesday, February 16.

Petitions respecting the renewal of the East India Company's Charter, were presented from the merchants, &c. of Bolton in the county of Lancaster; the provost, magistrates, and town council of the burgh of Burntisland; the provost, magistrates, town council, and deacons, of the royal burgh of Lanark; and the tillet manufacturers, and painters of London.—Ordered to lie upon the table.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS — FROM SEVERAL PARISHES IN THE CITY OF YORK—THE MAYOR &C. OF BERWICK UPON TWEED—THE MINISTERS, &C. OF MERSE AND TEVIOTDALE —THE MINISTER, &C. OF THE FRENCH PROTESTANT CHURCH — THE DEAN AND CHAPTER OF ELY—AND THE DEAN AND CHAPTER OF HEREFORD.] Eleven Petitions, of householders and inhabitants of several parishes in the city of York and the suburbs thereof, were presented; setting forth,

"That the petitioners are sincere friends of religious toleration, and rejoice that, in this happy country, all persons have perfect liberty to worship their Maker according to the dictates of their own consciences, but that they cannot contemplate without apprehensions truly painful, the psesent imperious claims of his Majesty's Roman Catholic subjects for access to political power; claims, which, if admitted, would, in the opinion of the petitioners, greatly endanger both our Protestant religion and government, and tend also ultimately to the subversion of that very liberty of conscience which it is the avowed object of those claimants to secure; and praying, that the House will, in its wisdom, preserve unimpaired those bulwarks of our constitution of which we have so long happily found the advantage, and for the continuance of which the voice of our ancestors, the records of history, past experience, and present circumstances, strikingly concur in showing the necessity."

A Petition of the mayor, bailiffs, and burgesses of the borough of Berwick-upon-Tweed, in guild assembled; was also presented; setting forth,

"That the petitioners, in common with a large majority of the Protestant inhabitants of the United Kingdom, have to lament that the Roman Catholics of Ireland have determined, at this time, to bring forward their claims before both Houses of Parliament; and that the petitioners had hopes that gratitude for the numerous benefits which, during the mild and tolerant reign of his present Majesty, had been vouchsafed to the Roman Catholics, would not so soon have been superseded by any discontent, and that at the time when the nation is engaged in the present arduous conflict with its enemies, the attention of parliament and of the ministers of his royal highness the Prince Regent, would not have been distracted by a discussion that might better have been deferred to a season of general tranquillity; and that the petitioners are influenced by no illiberal or bigotted spirit of exclusion or oppression in opposing the Catholic Claims, but on the contrary, they have seen with pleasure that the legislature of the United Kingdom has recently, from motives of humanity, relaxed those restrictions which in former times, from dire necessity and for self-preservation, had been enacted to prevent and controul the operation of Romish principles and tenets, and thereby, in granting the full freedom of religious toleration and the right to the acquisition and enjoyment of property, hath secured to all who are of the communion of the Church of Rome, not only the free and uninterrupted exercise of their religion, but also their personal rights and civil privileges, and therefore the claims against which they now petition regard not religion, but the acquisition of temporal power and distinction, which acquisition few could avail themselves of in the communion of the Church of Rome, as few even in our own Communion, or in any nation whatever, can rise to power and distinction from the subordination necessary in all civil communities; and therefore, from motives by no means of hostile aversion, but of security and preservation to the great Protestant majority of these realms, the petitioners do earnestly implore the House to maintain inviolate such

restrictions as the wisdom of parliament may deem proper, for the preservation of these realms from the influence of Popery and arbitrary power, so much dreaded and guarded against by the wisest of our ancestors, to guard these kingdoms from the domination of a foreign prelate now completely under the controul of our enemy, to preserve our established Church unpolluted by such influence as the noblest inheritance of our posterity, and under Divine Providence the great remaining bulwark of the Protestant faith; and praying, that the House will continue to afford their firm support to the wise cautions of that constitution under which the country has advanced in prosperity, and under which the people have preserved their freedom, and the State has maintained its independence."

A Petition of his Majesty's most loyal and dutiful subjects, the ministers and elders of the provincial synod of Merse and Teviotdale, convened at Kelso, was also presented and read; setting forth,

"That at different periods since the Reformation, and particularly about the time when, by the Act of Settlement, the succession to the crowns of Great Britain and Ireland, now happily united into one kingdom, devolved on the illustrious House of Hanover, it was found, by the wisdom of our ancestors, necessary for the protection of the Protestant religion, and for the safety and security of our laws and liberties, to impose certain pains and penalties on the persons who professed subjection to the Church of Rome; and that in the course of the present auspicious reign of our much respected and revered sovereign, whose severe indisposition the petitioners deeply deplore, and earnestly pray God speedily to recover, it has been deemed practicable and expedient to relieve the Catholics from all the before-mentioned pains and penalties, with the exception of their exclusion from particular offices in the law, in the army, &c.: in thus far relaxing the penal statutes against persons of the Catholic persuasion the petitioners apprehend that the government of this country, acting in conformity to the genuine spirit of our holy religion, and according to the liberal principles of the British constitution, have been amply justified by the happy change of circumstances that has taken place since the enactment of these statutes; but as the adherents of the Roman Catholic faith still avow their subjection to the authority of a chief or head, who is altogether independent of the British government, and whose person is at present in the possession and under the power of the enemies of our country; and as the influence of this, or any foreign authority, may be employed amongst the people, by whom it is acknowledged, to disturb the peace, and to weaken the security of this kingdom the petitioners are therefore humbly, but decidedly, of opinion, that this danger would be greatly increased were the Roman Catholics to be admitted to those offices of confidential trust and high responsibility from which they have hitherto been wisely excluded; and that these sentiments, on a subject so full of interest to all the faithful subjects of his Majesty, in justice to the petitioners, in justice to that part of the Protestant community under their charge, and from a sincere regard for the prosperity and perpetuity of our most excellent constitution in Church and State, they take the liberty, with the utmost respect, to express to the House, relying with confidence on the wisdom of parliament; and humbly praying, that no material change may be made in those fundamental laws, which have long been justly considered as the bulwark of our civil and religious liberties."

A Petition of the minister and elders of the episcopal French Protestant Church called Le Quarré, London, in vestry assembled, was also presented and read; setting forth,

"That at the same time the petitioners see, with heartfelt satisfaction, their fellow subjects and brethren in Christ of the Church of Rome enjoying, to the utmost extent, all the blessings of that religious toleration, of which the Divine Author of the Holy Gospel has given both the precept and the example; they see also, with an equal degree of alarm and anxiety, their unremitting endeavours to get possession of political power and legislative authority; that the petitioners, being descendants of those generous confessors of faith, who at the time of the revocation of the edict of Nantz, made the noblest sacrifices to their conscience, and fled from France to this country to avoid the persecution incensed by the Papists against the Protestants, and persuaded as they are, from constant experience and the principles of the Roman Catholic Religion, one of the tenets of which, established in the third

and fourth councils of Lateran, enjoins its members "to persecute by sword, fire, and all means possible, the Protestants stiled Heretics, and to dethrone heretical sovereigns;" that if any power, military, civil, or legislative, were given them, they would and must use it to the extermination of Protestantism, and thereby of our glorious constitution as settled at the Revolution; and that the petitioners feel it their bounden duty as men, as Christians, and as subjects of these realms, most earnestly to implore the House stedfastly to reject all applications for the admission of the Roman Catholics to power or authority of any kind."

A Petition of the bishop, the dean and chapter, and clergy of the church and diocese of Ely, was also presented and read; setting forth,

"That the petitioners are informed that a Bill is intended shortly to be offered to the House for removing the restrictions which are by law imposed on those who profess the Roman Catholic religion in this kingdom; and that they are fully convinced that the controul of any foreign power implied in such a Bill, either in Church or State, over these realms, is not only contrary to our constitution as established at the Revolution, but also to the first principles of all civil government; and that the petitioners are the more seriously alarmed at the danger impending, by observing that the power of the Pope, however it appears of late years to have been diminished, is at this time become more dangerous than ever, by being itself brought under the controul of our most inveterate enemy; and that the concessions made by our legislature in favour of the Roman Catholics have not led to any relaxation in the principles or discipline of that Church, which remain as hostile as ever to the mild temper of Protestantism, particularly those tenets, the most obnoxious of all, which relate to the supremacy and independence of our own King; and that the petitioners are sincere well-wishers and advocates of toleration, as it becomes Protestants to be; but they cannot help distinguishing between the enjoyment of toleration and the claims which are now made to the acquisition of the most dangerous power; and praying the House to guard against any concessions which may thus endanger our security either in Church or State; and that no such Bill may pass into a law."

A Petition of the dean and chapter, and clergy, of the cathedral church and diocese of Hereford, was also presented and read; setting forth,

"That the petitioners notice, with serious attention, the claim preferred by our Christian brethren of the Roman Catholic communion to be admitted to the legislation and administration of the United Kingdom; and that they conceive that no subject of a sovereign independent state can equitably claim to be admitted to offices of authority therein, while he acknowledges a spiritual dependence on any foreign state or potentate, that such admission is contrary to the principles of national union and the policy of all nations, that it has generated disorder and calamity in this and other countries, and is carefully avoided as a dangerous solecism in the constitution of governments; and the petitioners think that other tenets of the Roman Catholic Church render the members thereof unfit to be legislators and ministers under a king and over a nation professedly and legally Protestant, and engaged by constitutional stipulations and settled conviction so to continue; they are apprehensive that an admission to the counsels of the empire granted to the best of men, condemning as heretical and unsaving the established faith and worship of their country, hath a tendency to the insinuation of measures hostile to the ecclesiastical institutions of the United Kingdom, and to the civil polity with which they are inseparably interwoven, productive of disunion in the councils, and disorder in the state; and that our ancestors, at a distant period, felt the severe necessity of imposing on their Roman Catholic countrymen larger disabilities, which the petitioners rejoice to have seen removed by our fathers and contemporaries in later times, who by this their justice and liberal policy, have shown to the present age, and to posterity, that they viewed the restrictions which they permitted to remain as an essential safeguard to the Protestant religion throughout the empire, and to the constitution in Church and State; and that the petitioners do not perceive any alteration of circumstances which can affect the principle of their decision, and recommend a departure from their conduct; and praying, that the remaining restrictions may not be removed, relying on the wisdom of the House for the continuance of protection to the established faith and worship, and of

toleration to all our fellow-subjects by whom they are not approved."

Ordered to lie upon the table.

HOUSE OF LORDS.

Wednesday, February 17.

PETITIONS AGAINST THE CLAIMS OF THE ROMAN CATHOLICS.] Lord Rolle presented a Petition from the inhabitants of Exeter, against the Catholic Claims.—Viscount Sidmouth presented a similar Petition from the borough of Leeds. The clerk having read the title and part of the Petition,

Lord *Holland* inquired across the table if that were the whole? and being answered in the negative, he added, perhaps it was not the wish of the noble viscount to have the whole read.

Viscount *Sidmouth* begged the noble lord's pardon, but it was his wish that all the petitions on this subject should be read.

The Clerk then read the whole of the Petition; it stated that the petitioners should view with concern any ascendancy of Popish power; and that they should view with alarm Papists sitting on the bench of justice, or acting in the capacity of legislators. The noble viscount presented another Petition from the mayor and corporation of Berwick-upon-Tweed, against the Roman Catholic Claims. This Petition was also read, and in one part it stated that the Roman Catholics of Ireland had uninterruptedly enjoyed their personal and civil rights, but that they ought not to be entrusted with political privileges.

The Duke of *Norfolk* wished to ask the noble viscount, whether it was his intention to found any proceeding upon the Petitions he had presented?

Viscount *Sidmouth* was somewhat surprised at the question put by the noble duke, and did not see the propriety of any peer presenting a petition being interrogated as to his future intentions. The Petitions on their lordships' table were put into his hands by desire of the petitioners, and he had done his duty in presenting them.

The Duke of *Norfolk* disclaimed any purpose of the least offence to the noble lord, but was induced to ask the question from observing an assertion in one of the Petitions, which was false. In that Petition it was stated, that the Catholics in Ireland enjoyed full toleration of rights, civil and political. That was a statement contradicted by the fact. The privilege of returning members to both Houses of Parliament was a civil right, which was not fully enjoyed by the Irish Catholics. They could vote indeed for members to sit in the lower House, but not to the representative seats in the House of Lords.

Viscount *Sidmouth* thought it was treating the petitioners with very undue harshness, to scrutinize with such severity the terms in which their fair and legal petitions to that House were couched. They came before their lordships with an humble but earnest submission of their feelings and opinions upon a subject, which to them appeared of the greatest importance to the national welfare; and while so expressing their sincere opinions he could not think it either decorous towards them, or compatible with the liberality and justice of their lordships to charge them with stating a falsehood.

Lord *Holland* perfectly agreed in the propriety of the noble duke's observations. When an allegation so material as that to which they referred, was set forth in a Petition to that House, it surely was incumbent on their lordships to ascertain whether it was true or false. Had the noble duke proposed the rejection of the Petition, there might have been some cause for alarm on the part of the noble viscount, but no such rejection was intimated. It was, however, of great importance, while such pains had been taken in every quarter of the country to excite alarms respecting the situation and claims of the Catholics, that their claims and situation should be fairly represented, and no material fact set down that could not be proved.

Lord *Redesdale* could not help considering the language and terms of the noble duke's observations, as tending strongly to deter petitioners from exercising their fair and admitted right of submitting their opinions to that House on any great national question. The noble duke appeared not to have heard distinctly, or accurately attended to the words as read in the Petition, where a guarded distinction seemed to be made between personal rights and civil privileges, on one hand, and political privileges, on the other. The distinction indeed, was so clearly marked in the language of the Petition itself, that he could not conceive how it should be misunderstood, much less how the petitioners should thereby have incurred the charge

of stating falsehood. It had frequently, however, fallen to his lot, to hear language upon the present subject, within the walls of parliament, which he should very unlingly have listened to elsewhere. He had as little of narrow prejudice as any man, but he scrupled not to state, in conformity with the petitioners, that he conceived the concession of the Catholic claims incompatible with the safety of the constitutional establishments.

The Duke of *Norfolk* wished to ask the noble and learned lord, what was the distinction he would lay down between civil and political rights?

Lord *Redesdale* replied, that the distinction was clearly stated in the language of the Petition. The civil rights were those which the Catholics already enjoyed; the political were those to which they aspired, and the granting of which the petitioners deprecated.

The Duke of *Norfolk* was by no means satisfied with the clearness of the noble and learned lord's definitions. Between the terms 'civil' and 'political' heknew of no difference, except the complexion which each derived from the Latin and Greek languages, from which they were adopted.

The *Lord Chancellor* observed, that whatever variety of opinions might be entertained on the subject of the Petitions by the public, the meaning of the petitioners could by no means be mistaken. They saw a material difference between the privileges at present enjoyed and the new ones claimed by the Catholics, and to that difference they wished to direct the attention of the House. The temper and moderation which had been so conspicuously displayed throughout the country in the various discussions which in every part of it had taken place on the subject of the Catholics, was highly creditable to the public feeling, and he was confident that when that most serious and important question came before parliament, it would be met with suitable wisdom and moderation by their lordships.

The Petition was ordered to lie on the table.

HOUSE OF COMMONS.

Wednesday, February 17.

Petitions against the Claims of the Roman Catholics were presented from the clergy and other inhabitants of Manchester and Salford; the Protestant inhabitants of Armagh; the mayor, bailiffs, and commonalty of Exeter; the Protestant inhabitants of Cork; and the gentry, clergy, &c. of Carlow.—Ordered to lie on the table.

A Petition of the merchants, manufacturers and inhabitants of Barnstaple and Great Torrington, was presented in favour of the renewal of the East India Company's charter.

SIR SAMUEL ROMILLY'S CRIMINAL LAW BILLS.] Sir *Samuel Romilly* hoped, that in again drawing the attention of the House to a part of the general laws of the country, which he had already on a former occasion brought under their notice, he should not be considered guilty of any impropriety. The Bill which he at present meant to introduce was one which had twice passed that House; but had been rejected in the House of Lords. No person had more respect for the quarter from which opposition had come than himself, and if he imagined by again introducing a measure which had been considered impolitic, he should be supposed to act from the least disrespect to that quarter, no person could feel more concern than he would. But from all that he had observed since the last consideration of the subject, he felt he should not be doing his duty if he did not bring the subject under the attention of a new parliament. It would be in the recollection of the House, that in 1810, he had proposed to bring in three Bills; one of which was to repeal the act of king William, which rendered it a capital offence to steal property to the amount of five shillings privately in a shop; another to repeal the act of queen Anne, which pronounced it a capital offence to steal to the value of 40*s*. in a dwelling-house; and the third, to repeal the act of George 2, rendering it a capital offence to steal property to the same amount, from on board a vessel on a navigable river. These Bills were all passed in 1811, by that House, but were rejected by the Lords. At the present moment he should only move for leave to bring in that one which in the former discussions that took place was considered least objectionable; he alluded to that which related to stealing property of the value of 5*s*. in a dwelling-house: and the principle upon which he should propose to introduce this Bill was precisely the same as that which he had before stated, namely, the inexpediency of penal laws existing, which were not in-

tended to be executed. This inexpediency was strongly demonstrated by the returns of the criminal courts for London and Middlesex, during the years 1805, 6, 7, 8 and 9. He could not help here expressing his surprise that these returns had not, in compliance with the order of the House, been made to a later period. During these few years it appeared, that the number of individuals committed for this offence, amounted to 188, of whom 18 only had been convicted, and of these not one had been executed. This he trusted would be admitted as a pretty accurate criterion to shew that it was not intended to carry the law into effect against individuals who were found guilty under this statute. The consequence of the law not being executed, as was already stated, was, that where some punishment was deserved, no punishment was at all inflicted, and the offender escaped altogether with impunity. This was an evil which could not exist if the laws were less severe, and a certain but mild, although effective punishment, was substituted. He did not mean to censure the forbearance which thus disarmed the law of its ferocity, but he condemned the retention of a law which was found too cruel for application, and which was, therefore, superseded in almost every instance by a discretionary adoption of that wise and humane principle that no unnecessary suffering, no useless pang ought ever to be inflicted under the sanction of the legislature. Upon this part of the subject he could not more powerfully illustrate his argument than by quoting the sentiment of a man who had once been the ornament of that House, and whose opinions would have weight far greater than belonged to any thing that could fall from so humble an individual as himself. In the Observations upon our Penal Laws, which were published in the last edition of Mr. Burke's works, that distinguished person says, "The question is, whether in a well-constituted commonwealth it is wise to retain laws not put in force? A penal law not ordinarily executed must be deficient in justice or wisdom, or both. But we are told, that we may trust to the operation of manners to relax the law. On the contrary, the laws ought to be always in unison with the manners, and corroborative of them, otherwise the effect of both will be lessened. Our passions ought not to be right, and our reason, of which law is the organ, wrong." The words of this admirable writer were never more applicable than in the present instance: for without some extraordinary aggravation who was there with nerves strong enough to contemplate the execution of this law? Who would say that any one for stealing a ribbon or a piece of lace above the value of five shillings was deserving of death, if not guilty of some other offence? He did not believe that there was a single instance in which the sentence had ever been carried into execution. If there were any instance, it would be very desirable to know under what aggravations the offence had been committed; and it would also be extremely desirable that those aggravations which had been the foundation of the punishment, should in future be made the foundation of the sentence. This would relieve the judges from that responsibility in deciding on the fate of individuals from their own private judgment, which constituted the most painful part of their duty. He was himself satisfied that the effect of the law had been to increase the frequency of the crime. Laws to be effectual must hold out a terror to individuals. What terror could a law carry with it, when it was known that it was never put in force, but remained a dead letter on the statute book? He had, on a former occasion, stated, that no instance had occurred of the law against stealing to the amount of 40*s.* on navigable canals, having been put in force. An aggravated case of this kind had lately happened, in which property had been stolen to the amount of some thousand pounds. This case had been cited against the principle of the Bill for repealing that act. But could this be considered as a fair ground of objection? Because stealing to the amount of some thousand pounds was punished with death, was that a reason why stealing to the amount of 40*s.* should be punished with death? He should, however, have congratulated himself, even if a law had passed to save the lives of those individuals. It was not likely that an instance of so aggravated a nature would soon occur again, and the effect of the execution of the sentence was to make persons dissatisfied with the existing law. The trial had lasted three days, and the jury had the fullest opportunity to consider every circumstance of the case. Yet after their entire conviction of the guilt of the prisoners, they had joined in a unanimous petition to the Prince Regent, to spare the lives of those whom by the

law they were bound to condemn. There could not be a stronger instance of the general repugnance in men's minds to the carrying of such laws into effect.

The next Bill he proposed to introduce related to the common law punishment in cases of High Treason. The sentence at present, it was well known, was, that the criminal shall be drawn upon a hurdle to the place of execution, that he shall be hanged by the neck, and being alive shall be cut down, that his entrails shall be taken out of his body, and, he living, the same shall be burnt before his eyes, that his head shall be cut off, his body be divided into four quarters, and head and quarters shall be disposed of at the pleasure of the king. In point of fact this horrible sentence was not now executed, the offender being hanged until dead, and his head being then cut off and exhibited to the spectators, a practice to his mind most exceptionable, when it was considered, that it was calculated to excite only disgust in some, compassion in others, and brutal apathy in a third class. Mr. Justice Blackstone had said, that the practice of embowelling had been discontinued, but it was well worthy of consideration, whether so shocking and ignominious an infliction ought to be left to the discretion of the executioner. The judges had not the power of remitting any part of this prescribed judgment, for in the case of captain Walcot* who was convicted, in the year 1683, of being concerned in the Rye House Plot, the judgment was set aside upon appeal to the House of Lords, 8 William 3, because, although the embowelling and burning had been directed, the words *ipso vivente* had been omitted. These expressions were pronounced by that high tribunal to be an essential part of the judgment, without which it had no legal validity whatever. It was argued, "that never any judge was known to require that the man's bowels should be burnt while he was alive, and that the same was impossible to be executed." To which it was answered, "that to have bowels cut out *while alive* was the most severe part of the punishment, and therefore ought not to be omitted: that to pretend that the judgment could not be executed, was to arraign the wisdom and knowledge of all the judges and king's counsel in all reigns: that the strict execution was not impracticable, for that tradition said, that Harrison, one of the regicides of Charles the 1st, did mount himself, and give the executioner a box on the ear after his body was opened." Ought then, this punishment to remain to revolt the feelings of mankind, and furnish foreigners with a reproach against our national character? Ought the terrors of a vain threat to be displayed in the hour of the wretched offender's fate, to bereave him of his understanding? Ought the question, whether a man shall perish instantaneously, or by slow, bitter, and protracted torments, to be left to the decision of the executioner? He was ready to admit, that at latter periods no such horrible exhibitions were exhibited, except by accident, and such instances had occurred; but surely it could never be endured, with any degree of patience, that the unfortunate wretch who was doomed to suffer death should be exposed to the most horrid tortures by the mere inattention or carelessness of an executioner, while the judge had no discretion whatever. It was true, that from the increasing humanity of the present times, the dreadful sentence of the law was seldom put into execution: but what other effect could it produce, he would ask, but that of frightening the wretched culprit, when all those barbarities were denounced against him by the judge? Nor was this the only evil; the judges could use no discretion in those cases; they were bound to pronounce the dreadful sentence of the law, while the mitigation of punishment was left to the care, and the aggravation to the negligence, of the executioner. Nor were the additional cruelties, sometimes exercised on those occasions, always to be attributed to negligence. Lord Bacon had recorded, that in the time of queen Elizabeth, they were generally excused by the barbarities practised in other countries; and Camden related, that in Babington's conspiracy, when fourteen individuals, found guilty of high treason in that reign, were left for execution, the seven first who suffered were so cruelly tormented, that "the queen being informed of the severity used in the executions the day before, and detesting such cruelty, gave express orders that these should be used more favourably; and accordingly they were permitted to hang till they were quite dead, before they were cut down and bowelled." He was sorry to say, that in the last rebellion in the year 1746, such was the state of in-

* See New Edition of the State Trials, edited by Howell, vol. 9, p. 560.

flammation which men's passions had attained, that a Mr. Townley was executed in the plenitude of those attending disgusting barbarities which he had submitted to the reprobation of the House. After hanging six minutes he was taken down and laid on the block, but still shewing signs of life, the executioner struck him on the breast, and finding this not sufficient, proceeded to cut his throat. He was afterwards embowelled according to the letter of the law. The origin of this common law judgment he had not been able to trace higher than the reign of Edward 1, when David, prince of Wales, and the celebrated Wallace, were executed for having bravely and heroically maintained the interests and defended the independence of their native land. The burning, in cases of petty treason and witchcraft, long remained a disgrace on the statute book; it had been repealed in the one instance, and blessed, he said, be the memory of the man who had procured the abrogation of the dreadful edict. He intended then to move for leave to bring in a Bill, "to alter the punishment of high treason;" and also for another Bill "to take away the corruption of blood as a consequence of attainder of treason or felony." This corruption of blood he begged leave to observe was quite a distinct thing from forfeiture, and was, indeed, a subject on which great diversity of legal opinion had prevailed. It consisted in incapacitating the person attainted of devising his property, it left him in fact without an heir, or, in technical language, disqualified him from tracing a pedigree. The hon. and learned gentleman said he should be ashamed to take up any more of the time of the House, although he could quote several passages of Mr. Justice Blackstone, in favour of his opinion, and concluded with moving, "That leave be given to bring in a Bill to repeal so much of the said Act as takes away the benefit of clergy from persons privately stealing in any shop, warehouse, coach-house, or stable, any goods, wares, or merchandizes, of the value of five shillings, and for more effectually preventing the crimes of stealing privately in shops, warehouses, coach-houses, or stables."

The *Solicitor General* (sir William Garrow) said he did not propose to enter at large into the question in this early stage; but as he was not in parliament when his hon. and learned friend brought his Bills forward, he hoped the House would indulge him while he made some general observations on the principles by which his hon. and learned friend appeared to be actuated, although he certainly did not mean to oppose his motion. He confessed himself totally unprepared to speak on the subject of punishment in cases of high treason, as he had not understood before that this would form a part of the propositions of his hon. and learned friend, yet he would say that the barbarous punishment so loudly and pathetically complained of, was merely nominal; and as to the corruption of blood, it had been devised to deter men from committing such a heinous crime, for it was well known that individuals whom no human or divine law could keep in bounds, were restrained from crime by the consideration of the fate which awaited their helpless orphans. As to the first proposition of his hon. and learned friend, he certainly agreed, that if the obligation of strictly interpreting and literally enforcing the provision of the criminal law were imposed on the judges, no one man would accept an office which would convert the assizes into shambles. But if discretion must be vested somewhere, where could it be so safely reposed as with the judges of the land? always reserving, too, an appeal to the fountain of mercy—an appeal which, whenever good cause could be shewn in support of it, had never been made in vain. With respect to the alleged necessity and severity of transportation, he might be permitted to say a few words; and possibly he could not do better than to relate what had come under his own immediate observation. He had at times been called upon to assist the judges at assizes. In one instance a man had been tried for stealing a piece of timber in the night time, and had been convicted. The sentence to be inflicted by the law was transportation for seven years; but if the judge had been compelled to insist on the infliction of that sentence, under the peculiar circumstances of the case, it must have made his situation miserable indeed. The prisoner was a poor but industrious tailor; every body bore testimony to his good character, even the prosecutor himself was constrained to say that he believed him to be the most industrious, and excellent creature living. When called on for his defence, and to state why he had committed the theft, the poor man said, "It is true that I stole the piece of timber as I was returning home from my

club; and I intended to make stools of it for my poor, sick children." Such was the feeling on the judge, after having heard all the heart-rending circumstances, that he instantly and rapidly said to the prisoner—" I hope your appearance here will be of no detriment to you hereafter—it ought not to be—you have suffered much already—go hence, and bless the laws which have enabled the judge to exercise some discretion on your case:—Gaoler, discharge the prisoner!" What would have been the situation of the judge had there been any written scale of law which must be applied to such a case?—Would not any further punishment than this poor man had already received have been too much? This case applied to ninety-nine out of every hundred; yet there were instances in which it was advisable for the security of society to exert the utmost rigour of the law. He could not but lament that the present motion had been brought forward; yet knowing the high and honourable mind of his learned friend, he felt convinced that it had been the result of honest conviction, not from a mere desire of making complaint. He meant not to impute any thing like blame. He lamented that any such motion had been introduced into that House, for there were persons out of doors who might think that there was much ground for complaint. His hon. and learned friend had told them, that he verily believed a recent occurrence would not have taken place, had the Bill proposed by him succeeded, alluding to the conviction and subsequent petitioning in favour of those persons who had stolen a great quantity of silk on the river Thames. He however, differed from his hon. and learned friend in such opinion. He admitted that it would be most horrible if the letter of our penal code were to be abided by in every instance, for there were many cases where to inflict the punishments prescribed by the statutes for the offence would be little short of the most barbarous cruelty. It was now death for stealing on a navigable river to the amount of 40*s.*; and there were many cases where it would be acting mercifully by society to inflict the punishment to the utmost letter of the law—cases which developed regular plans and deep-laid conspiracies; which formed some of a series of depredations that were carried on daily and nightly to the apparent disregard of all law. When the ringleaders in such violations of good order and law were caught, was it not right that they should be punished as examples, out of mercy to others, to deter them from committing similar offences? Such, then, was the character of the case which had been alluded to. There were to be seen deep-laid plans, and the effects of widely extended corruption. Those who had the care of the property had been corrupted to abandon their duty towards their masters, and the law by which they had been tried had said that the offence was capital. They had been tried before as conscientious and as intelligent a judge as ever sat on the bench (Mr. Baron Thompson), one in whom it might well be said that all could behold the perfection of a judge. After a patient trial, which lasted three days, they had been convicted. On that occasion the assistance was had of all the persons eminent in the law; and the learned Recorder of London, as was customary, had lain a minute report of the case before the sovereign authority. In the privy council every circumstance of so important a case was minutely canvassed; and the anxiety of the royal mind on all occasions to render judgment in mercy was well known. Indeed, the anxiety of the royal mind to save the life of that unfortunate criminal on whom sentence of death had been passed could only be known to those who had witnessed its effects, and it was difficult to communicate even a faint idea of that anxiety. He had heard the late Recorder (Adams), speak with great delight and enthusiasm of the excessive anxiety of his majesty to save the lives of criminals; and for that purpose he would repeatedly question as to the law and the circumstances of the case, and all in favour of the criminal. But what was to be done when a desperate gang were brought before the tribunal of justice to answer to the violated laws of their country? Was there no difference between the measure of their guilt—their capability to do injury to society, and that individual who might have committed a similar offence for the first time from absolute poverty, and without having been in concert with any one? But it was said respecting the robbery on the Thames, that the jury had afterwards petitioned his royal highness the Prince Regent for a mitigation of the punishment—a proof of their notions of its unnecessary severity. Some of the criminals had families—others, wives—and others, fathers or mothers dependent on

them for bread. No man had a higher veneration for the trial by jury than he had, and for those who composed the juries of this country. Few men had seen more of the proceedings in criminal courts than he had; but after thirty years' experience, he had not known six instances where, had he been of the jury, he should not have felt himself bound to determine precisely as the jury had determined. But after they had brought in their verdict, they were, like other men, accessible to pity. The doors of the jurymen might afterwards be crowded by the daughters, the sons, or the mothers of those who had been convicted, praying their interference. They would admit the justice of the conviction—they would acknowledge the offence of their relatives; but they would add—"you cannot wish them to expiate their crimes with their lives—you cannot desire that they should be hanged; think, then, on our feelings for those who, we believe, may be saved if you will petition the Prince Regent. You will not refuse to sign this paper—life is valuable to the meanest being that crawls!" Thank God! few Englishmen could withstand such an appeal as this! The Petition was signed under those circumstances, and was forwarded to the fountain of mercy, where it would always have due effect if a fair case were made out. While assisting the judges at assize, it was once unfortunately his duty to pass sentence of death on six individuals, some of whom he could not leave for execution, and of course no such order was left. But such feeling towards the unhappy individuals could not be communicated to them. The consequence was, when he was about to leave the town the carriage wheels were beset; and there were loud prayers, calling on him "for God's sake not to leave the criminals for execution!" It was ascertained that those who were offering up the petitions so fervently, were actually the prosecutors; and they admitted the offence, and the justice of the sentence, but said that the poor men's lives ought to be spared—for life was valuable. Such had ever been the case, and if the judges were not so to run a race of humanity with the prosecutors, their carriage wheels would be so obstructed that they would be unable to move. It had the happiest effects, it communicated mercy to those who merited it, while the law was to be called into action against greater offenders. The severity of the law was not too much for some cases; for the utmost rigour was sometimes called for out of mercy to society. He should not detain the House longer on the present occasion, as there would be further opportunities to examine the proposed bills of his hon. and learned friend; he had now addressed them for the sole purpose of doing away that prejudicial impression which might be made on the public mind, had the statement gone forth to the world without some observations being made upon it.

Mr. *Frankland*, alluding to the remark of the hon. and learned mover, that this country was reproached by foreigners for the barbarity of its criminal code, observed, that they expressed such opinion from a knowledge of our criminal law, without knowing how it was administered. Had they seen the manner in which those laws were administered, they never could have expressed such opinion. Adverting to the punishment of the persons convicted of stealing silk on the river Thames, he expressed the extreme regret that he felt at hearing his hon. and learned friend say that the crime was aggravated by the value of the commodity stolen. With respect to the general jurisprudence of the country, every endeavour was made to govern strictly by the law, in spite of the difficulty which existed in doing so; nor were those extraordinary interpositions usual which in despotic countries were habitual. He hoped the new parliament would apply itself diligently to this subject, that it would consider the actual situation of the country, and that it would allow the continuance of that kind of discretion on the part of the judges, from which so much public benefit had hitherto been derived.

Sir S. *Romilly*, in reply, expressed his hope that he had not been so misunderstood by the House in general, as he was sorry to observe he had been by his two honourable and learned friends, who had attributed to him many propositions which were by no means his, but which he considered to be as mischievous as they considered them. He wished particularly that his hon. and learned friend, the Solicitor General, would take the trouble of informing himself more correctly as to his opinions, and he would find that they were as opposite as night and day to those which he had ascribed to him. His hon. and learned friend seemed to imagine that he was not disposed to allow the judges any discretion. Now really if his hon.

and learned friend had paid the slightest attention to the proceedings in parliament on this subject; if he had read any of the unauthenticated accounts of those proceedings—if he had examined any of the bills which he had had the honour to introduce into the House, he would have been sensible of the misconception under which he was labouring. He could not help regretting to see every misrepresentation of his sentiments caught at and applauded by those who might have been better informed on the subject. Had he in the slightest degree censured the condemnations of the persons convicted of stealing silk on the river?—quite the reverse. And yet, to what other purpose than to induce it to be believed that he had done so, was the panegyric on Mr. Baron Thompson, in praising whose talents, learning and character, he could vie with his hon. and learned friend, or with any man in that House? He, by no means accused his hon. and learned friend of a wish to misrepresent him. He was sure that he had no such intention; but such was the case. The fact was, that he had adduced the case to show, that although the jurymen had no doubt of the guilt of the criminals, they entertained a doubt of the propriety of a punishment evidently so dissonant to their feelings. In proof of this he would read the Petition which they had addressed to the Regent on the subject.—The hon. and learned gentleman here read a part of the Petition in question. —Reverting to the misconceptions which were entertained of his object, he observed that among them was the absurd supposition that he was desirous of getting rid of all punishments whatever. All that he contended for was, that it was worse than useless to allow punishments to remain on the statute book which were too severe to be enforced. Such a practice led to a relaxation of the law itself. It had been the universal opinion of all wise and reflecting men, that the certainty of a mild punishment was better calculated to repress guilt, than the slight chance of one more severe. The hon. gentleman near him had accused him of holding strange opinions on the subject of capital punishments. He did not, as the hon. gentleman had conceived, set up the humanity of foreigners at the expence of that of the English nation. And with respect to another point, that of taking value into consideration, in estimating the quantum of punishment, he must say if he was wrong in this, that he was so in good company. It was no new doctrine, nor one of his making, but might be found in the works of a very learned man, sir Henry Spelman, who in a celebrated passage had affirmed long since, "that as all other things had grown dearer, the life of man had grown cheaper." And he must still contend, that value was certainly to be considered as an aggravation. What he had stated, was not from any wish to take up the time of the House, but to set the hon. gentlemen right, by whom he had been misrepresented or misunderstood.

The *Solicitor General*, in explanation said, that he and his hon. and learned friend agreed as to the propriety of carrying the sentence of the law into effect in the case of the silk stealers last year on the river Thames. He must also allow, that his hon. and learned friend in his clause, left discretion enough to the judges.

Mr. *Bathurst*, as he was the only individual present of that body whose duty it was to advise the sovereign with respect to the infliction of capital punishments; and as so much had been said of the case of the persons who had been convicted of stealing silk on the Thames, begged permission to offer a few words on the subject. The hon. and learned gentleman had disclaimed any intention of imputing blame to the judge in that case in the discharge of his legal duty; but did he recollect that the opinion of a judge was also always taken with respect to the propriety of enforcing a capital punishment? The fact was, that the case in question was one of systematic depredation on the part of persons connected with the conveyance of a very large portion of the mercantile property of the port of London. Adverting to what his hon. and learned friend, the Solicitor General, had said of the scrutiny which his majesty had always been in the habit of personally instituting into the cases of those unfortunate individuals, whose crimes had subjected them to the sentence of death, he observed, that the same description would have been strictly applicable to the conduct of his royal highness the Prince Regent on similar occasions. As to the address of the jurymen who had tried the silk case, he had no doubt that the hon. and learned gentleman knew the person by whom it had been drawn up. He did not believe the Petition to have been drawn up by the persons by whom it was

signed, nor by the hon. and learned gentleman, but by some one of his friends.

Sir *S. Romilly*, in explanation, warmly, and upon his honour, protested that he knew nothing of the origin of the Petition. One of the jurymen had called at his chambers two or three days before the execution of the sentence of the law, to say that such an address had been sent to the Prince Regent, and to ask if any thing could be done to support it. His reply was, that nothing could be done, but that he had no doubt all proper attention would be paid to the subject. He had forgotten this affair until a day or two ago, when he applied for and obtained a copy of the Petition. He repeated, that he had not the most distant conception by whom the address was written, it was a very ordinary and ungrammatical production, by no means above the level of the powers of composition of a common tradesman.

Mr. *Bathurst* denied having asserted or insinuated that the hon. and learned gentleman knew any thing about the Petition. He certainly had understood that it was written by a gentleman in habits of intimacy with the hon. and learned gentleman, and who took a similar view of the subject under discussion.

Mr. *Ryder* was glad to hear the sentiments which he had so often expressed on the question before the House, confirmed by the Solicitor-General, who, it must be allowed by all, had more practical knowledge of the criminal law than any man in parliament. In his opinion the circumstances attendant on the case of the depredators on the river afforded the most ample proof of the advantage of allowing the law to remain on the statute book, for the purpose of being enforced on proper occasions.

Leave was then granted to sir S. Romilly to bring in his three Bills.

HOUSE OF LORDS.

Thursday, February 18.

ADDRESS RESPECTING THE WAR WITH AMERICA.] The order of the day being read for taking into consideration the papers relative to the War with America,

Earl *Bathurst* rose and observed, that the correspondence on the table with the United States of America was very voluminous, but he had the satisfaction to state that he should not have to trouble the House at any length upon it. To enter at length into the correspondence was indeed wholly unnecessary. There might be differences of opinion on many points occurring in the course of the correspondence; there might be a difference of opinion as to the policy of the Orders in Council, or the policy of repealing them, but he was satisfied there could be but one opinion in that House, approving of the conduct of government in rejecting the propositions of the government of the United States, or of the necessity of the vigorous prosecution of the war. The Address which he should have the honour to move, was confined to these points, and did not enter into any matter which was likely to lead to a difference of opinion. It became necessary to enter into some detail, which he would do very briefly. Early in May last, there being reason to apprehend that it was the object of the American government to instigate our cruizers to acts of hostility, in order, by means of them, to incite the people of the United States to call for a war with this country, instructions were sent out to our commanders on that station cautiously to abstain from any act of aggression. Instructions were also sent, that if war was declared by the American States, our commanders should immediately consider the war as commenced and act accordingly, and that they should blockade *de facto* the Chesapeake and the Delaware. The difference between a blockade *de facto* and a blockade by notification was, that in the former case vessels could only be captured by the actual force employed, but in a blockade by notification all vessels going to or coming from the port blockaded, were liable, after warning, to capture. It was incumbent on the government, in this case, to resort to no other than a legitimate blockade, and that he did not consider a legitimate blockade, where the belligerent carried on trade with the port blockaded. That a blockade by notification was not therefore earlier resorted to arose from these circumstances; that there was a contract for the supply of flour to the peninsula from the American ports, great part of which flour remained in these ports; that our West India islands also looked to the American ports for supplies which they wanted; and that subsequently, in August, manufactured goods from this country, to the amount of 5,000,000*l.* were exported to America. To have resorted, therefore, to a blockade by notification, would have interrupted

the supply of flour to the peninsula; the supply of our own West India islands, before they could make other arrangements, and the passage of our own manufactures. After the repeal of the Orders in Council, about which he should not now give any opinion, instructions were sent to Mr. Foster, founded upon that event; and upon intelligence reaching this country of the declaration of war by the United States, it was thought better to send instructions to sir John Borlase Warren, to propose an armistice, in order that fresh causes of war might not arise out of the prosecution of the war, and in the expectation that a pacific result would be thus more advantageously brought about. The propositions made on the part of the American government, would be seen in the correspondence; and it would be observed, that there was in truth no difference between the propositions made by Mr. Russell here, and by Mr. Secretary Monroe in America. In each case we were called upon to suspend the exercise of the right of impressment, in order that some regulations might be suggested that should be an effectual substitute for it; but if they could not, then what was to follow? War was to follow; and then we were called upon to give up our ancient and undoubted right of impressment—a right hitherto exercised without dispute, and of the most essential importance to our maritime superiority, or we were told we could not be at peace with America. This was the substance of both propositions. There was no assignable reason why the war should have been commenced by the government of the United States at the precise moment they chose (the grounds alleged for it being the same that had been urged for three months before,) except as a matter of convenience, and for the purpose of obtaining an expected immediate advantage. This advantage which they hoped for, was in intercepting our homeward-bound fleet from the West Indies, and for this purpose commodore Rodgers sailed immediately upon the declaration of war. By the judicious management of our force in that quarter, our fleet was protected, and commodore Rodgers returned disappointed to port. It was this disappointment which probably rendered the tone of the propositions made by Mr. Secretary Monroe more conciliatory than that adopted here by Mr. Russell; but still the propositions were in substance the same. We were called upon, therefore, to surrender our right of impressment; for that was the fact. If any regulation could have been resorted to, to serve as an adequate substitute for the exercise of that right, surely in the course of the last ten years, something might have been done. But during the whole course of that period nothing had been suggested by the American government that could in any way be equivalent to us to our right of impressment. On the contrary that government had shown a disposition, on various occasions, to obstruct, in every way, our recovery of our own seamen who had deserted. In the case of the Chesapeake, undoubtedly, blame was imputable to us; but how stood the case in its circumstances? Several of our men had deserted; the desertion being accompanied by acts of mutiny, they were demanded from the Chesapeake, and it was solemnly denied that any such persons were on board. Application was made to the American government, and after some time, the government denied that any such men were in the service. Application was again made to the officer commanding the Chesapeake, who declared, upon his honour as an officer, that no such men were on board. Yet, when the Chesapeake was boarded by the Leopard, these very men were found on board, and taken away by force, they having assumed different names, by order of the commander of the vessel, and no disapprobation of any part of the conduct of this officer in this transaction had ever been expressed by the American government. Upon another application to the American government they had declined to interfere, alleging as a reason our conduct with regard to the desertion of a man from the ship Constitution at Spithead. Yet how stood the case with regard to this man? It appeared from his statement that he was a native of Ireland, that he had been for several years in the British merchant service, that whilst belonging to a British merchant vessel, and being on shore, he was made drunk and carried on board the American vessel Wasp; that he stated himself to be a British seaman, and desired to be released; but this was refused, and he was, on repeating the demand, actually put in irons. He was afterwards removed on board the Constitution and kept in irons for some time; he contrived, however, to make his escape, but was pursued to a considerable distance, brought back, and tried by a court martial, and

although shewing himself to be a British seaman, sentenced to be flogged for desertion. He afterwards made his escape from the Constitution when that ship was at Spithead. Yet this was the case that the American government chose to set up as an apology for not doing justice in cases where a legitimate complaint was made on our part, for the encouragement given to seamen deserting from our vessels. These facts shewed the disposition of the American government to be really hostile to this country, whilst their never having been able to explain or suggest what regulations could effectually stand in the place of our right of impressment, proved the impracticability of any such regulations. The government of the United States, besides, claimed a right hitherto unheard of in any other country, that of cancelling the allegiance of subjects of other states. It would be at once seen that he alluded to their practice of granting letters of naturalization. To obtain letters of naturalization in the United States, all that was requisite was the proof of five years residence there, whether possessed of any property or not, for which purpose proofs might readily be fabricated, and no contrary interest existed in the courts to investigate them. Two persons also stating themselves to be citizens of the United States, and vouching for a third to be a citizen before any magistrate, in any part of the United States, obtained him a certificate of citizenship. These practices were of the utmost importance in considering this question; because it was clear, from an examination of the papers, that in their objections to the right of impressment, the government of the United States made no distinction between American citizens born, and citizens there made by letters of naturalization and certificates of citizenship. It became therefore a question involving the dearest rights and interests of this country. Upon the right of impressment depended our maritime greatness and superiority, and still more when we were at war with other states. This, our undoubted right, the American government now disputed, and offered to us nothing but an unconditional surrender of that right, or war. War with them, therefore, we must have, and he trusted the unanimous vote of that House would serve to convince the people of the United States, that what was held out to them by their government, of a great division of opinion in this country upon the subject, was utterly fallacious. Let us shew that we were not base enough to sacrifice to trade the honour and the interests of the country. Let us shew that we were not improvident enough to sacrifice to commerce that maritime superiority which could alone enable us to carry on commerce with advantage. The noble earl concluded with moving,

"That an humble Address be presented to his royal highness the Prince Regent, to acquaint his Royal Highness that we have taken into our consideration the Papers laid before us by his Royal Highness's command, relative to the late Discussions with the Government of the United States of America:

"That, whilst we deeply regret the failure of the endeavours of his Royal Highness to preserve the relations of peace and amity between this country and the United States, we entirely approve of the resistance which has been opposed by his Royal Highness to the unjustifiable pretensions of the American government, being satisfied that those pretensions could not be admitted without surrendering some of the most ancient, undoubted, and important rights of the British empire:

"That, impressed as we are with these sentiments, and fully convinced of the justice of the war in which his Majesty has been compelled to engage, his Royal Highness may rely on our most zealous and cordial support in every measure which may be necessary for prosecuting the war with vigour, and for bringing it to a safe and honourable termination."

The Marquis of *Lansdowne* rose to express his satisfaction at the course which the noble secretary of state had adopted, in confining the Address merely to the approval of the rejection of the propositions made by America, with respect to the right of taking our own seamen. Much as he lamented many of the past transactions between this country and America, especially the mode in which the Orders in Council had been recalled; yet he admitted that it was not at all necessary to advert to these topics, in order to judge of the propriety of the present Address. The question now was, whether, when the Orders in Council had been at last revoked, America had met us with a corresponding disposition to come to an amicable arrangement? for though the Orders in Council were not the sole ground of complaint with America, yet he did not find that there appeared any other bar to a friendly

accommodation. He had, therefore, certainly expected, that when this was removed, America would have returned to such a pacific disposition as would have paved the way for the adjustment of other differences. Adverting to the impressment of our own seamen, he stated that he could not perceive that there was any difference in regard to the principle, the dispute was about certain abuses which were alleged to exist in the practice. The principle might be admitted, that we had a right to the allegiance of our own subjects; but it would be justly added, that we ought not to extend that in practice so far as to press American seamen into our service: and there could be no doubt but we ought to endeavour, as much as possible, to prevent any such abuses. In a question, then, involving so much national prejudice, it was essential that the parties should meet with a disposition mutually to conciliate. He could not yet abandon the hope that means might still be found for the restoration of peace, and for placing that peace upon a permanent footing; and he was glad to find some manifestation of such a disposition to enter into discussion for that purpose, both in the proposition of Mr. Monroe to sir John Borlase Warren, and in the Declaration of the Prince Regent; though he admitted that the proposition of Mr. Monroe was not such as could with propriety have been accepted. But he was pleased to find, that no unwillingness had been expressed on our part to consider and discuss any proposition for the object which America had in view, and which it was certainly incumbent on the American government to propose, and state distinctly, before they called upon us to abandon our present mode of exercising an undoubted right.—He had heard much of the hostile disposition of the American government towards this country; and he was sorry to see, in these papers, some ground for the charge. He regretted also, that such an advantage had been given to the government of dragging the popular opinion along with it, in that hostile disposition. If the Orders in Council had been sooner recalled, he was convinced that this war would never have taken place; for it appeared from these papers, that it would have been impossible for the government of America to have got the people to second its views. When we talked of the hostile disposition of the American government, we ought to consider what was the nature of that government. If there was any country in the world where public opinion had an immediate operation on the government, it was America. If, then, twenty years ago, the disposition of America was known to be highly favourable to this country, we ought to review our own conduct and policy, in order to ascertain whether there was any thing in that conduct, to give just occasion for the hostile disposition which was now said to exist. In all our transactions with foreign countries, and especially with America, we ought to study the temper, disposition, and even prejudices not only of the governments, but of the people; not, however, with a view to surrender our own rights, but to conciliate, as far as was consistent with the interests and honour of our own country, the good opinion both of the rulers and the subjects of other countries.—But while he recommended a mild, temperate, and conciliating conduct, in time of peace, he was far from recommending a slow and dilatory mode of carrying on war. When war had once commenced, there was no resource, but a vigorous and determined prosecution of it, in order to bring it to a speedy and favourable conclusion. The want of this proper vigour in the prosecution of the war was palpable, and deeply to be lamented; for if there was any thing more calculated to generate contempt and confidence in an enemy, it was the union of lofty pretension with insufficient means and dilatory execution. Some time ago it was imagined on all hands that in the event of a war with America, the first operation would be the destruction of her navy. What the fact had turned out to be, he was almost ashamed to mention. If any one were asked, what had been the success of our navy in this war, he would unfortunately find some difficulty in giving an answer. Yet, if ever there was a contest where we ought to have been well prepared, where we had every advantage in regard to naval means, it was this contest with America,—a contest commencing at a time when our navy was almost liberated from every other occupation—when there could have been no difficulty, surely, in sending out a force capable of coping with the American squadron—a navy so inferior, so inexperienced, and so perfectly known in all its parts. But after the experience of a year, we were at last tardily preparing fleets, when we might on the first decla-

ration of war have so well taught the Americans of the disadvantages under which they must labour in the prosecution of hostilities. On that head he had much to regret, but he admitted that this was not necessarily connected with the present proposition. He agreed that our own government was well justified in calling for a distinct statement of any proposition which America had to propose for discussion, and that therefore the proposal made by Mr. Monroe was not satisfactory. He could, not, then, refuse his assent to the present Address: but at the same time he hoped the government would evince every disposition, without sacrificing the honour of the country, which he was disposed to rate as highly as any man, to come to some amicable arrangement in regard to the practice of impressing our seamen from American ships, without abandoning the principle.

Viscount *Melville* defended the conduct of the Admiralty, contending, that an amply sufficient force was on the American station at the time of the breaking out of the war, and that at that time no additional force could have been spared from other services. Would the noble lords have had the American ports blockaded before a declaration of war? A sufficient force was stationed there for all the purposes of protection, and when the intelligence of the war arrived, every exertion was made to send a reinforcement, since which a large reinforcement had been sent. If it was meant to be urged that our force should prevent any squadron from sailing from an enemy's port, it was evidently asking what was in itself impossible. The utmost that could be done was, to render it a matter of extreme difficulty for an enemy's squadron to get out of port. Once out they might do us a temporary mischief; but the utmost that could be done, was to protect our convoys with such a force as to render the attacking them nearly a hopeless task. He was satisfied whenever the detail was entered into, that it was capable of the best proof that the force on the American station, at the time of the breaking out of the war, was amply sufficient for all the purposes required of it; and he most positively asserted, that at that period no additional force could be spared from other quarters. The only quarter to which he could imagine the noble marquis to allude was the Baltic, and from thence, unquestionably, at that time no force could be spared. He, therefore, maintained that every exertion had been made by the Admiralty of which the force of the country was capable.

Marquis *Wellesley* said, he most cordially and sincerely concurred in the objects of the Address, which he thought wisely and judiciously drawn up; first, that the war was a most just war; secondly, that the objects of the war were of the utmost importance to the rights and interests of this country; and thirdly, that it ought to be prosecuted with vigour and ability. There might be some differences of opinion as to the points connected with the progress of the negociation, but to those he would not now advert. His chief object was to look for the vigorous and able conduct of the war, but where was he to find the proofs of that ability which was so essentially necessary? The noble viscount had asked, would you have blockaded the ports of the United States before a declaration of war? Certainly not; but was there not reason to believe, from the disposition of the American government, that war might be suddenly, as it had been, most hastily and inconsiderately, declared; and would not men of wisdom and ability, or even of mere common sense, have taken care to provide a force on the station in the vicinity of the United States, in order that it might be ready to act upon any emergency. It had been said, that instructions had been sent to our admiral to dispose his force to act with effect in the event of a declaration of war; but where was the wisdom of sending instructions to act, without the means of acting with effect. An inadequate force was stationed there, and then a parade was made of sending instructions to the admiral to adopt active measures of hostility in the event of a declaration of war, whilst the means of carrying into effect those measures were not placed at his disposal. He trusted a time would come, and that very shortly, for an enquiry into the mode of conducting this war. He trusted also, that it would be carried on with a vigour and ability commensurate to the importance of the objects at stake, and not upon the principles propounded by the first lord of the Admiralty.

The Earl of *Liverpool* could not help expressing his satisfaction at what had been conceded that night, namely, that the war on the part of America had been a war of passion, of party spirit, and not a war of policy, of interest, or necessity.

Without entering into details, there was one observation which he must make on the subject of impressing seamen, which had been made the chief ground of complaint. The right claimed by us on that head was undoubted, yet it was at the same time liable to abuse. But if the war had proceeded from the abuse of that right, should we not see those parts of America calling for war which must in that case have been most aggrieved by the unjust exercise of that right; whereas we found, that from the sea-ports of America, from all the eastern states, there came a loud and general cry against the war. No: the declaration for war, the strong passion for it, the settled aversion to peace, the determined hostility to this country originated in those states who could have no possible feeling of interest on the subject of impressing seamen. With their knowledge of the disposition of America to this country, his Majesty's ministers, though still desirous of peace, had thought it right to be prepared for war, and they had made such preparations for it, they had assumed such an attitude as was consistent with the other interests of the country, and the other arduous contests in which we were engaged. The noble marquis had brought forward a charge that some of the enemy's ships had escaped. For his own part, it was matter of surprise and wonder to him, not that ships now and then escaped the vigilance of our commanders, but how they were taken. If we looked to the great naval light of this country (he need hardly mention the name of lord Nelson), if we recalled the most brilliant period of her annals, to what accidents must we not attribute it, that the French fleet twice escaped the vigilance of his pursuit, and landed an army of 40,000 men in Egypt. In the commencement of the present war, the combined fleets of the enemy had escaped from the Straits of Gibraltar, had proceeded to India, and on their return, coming out from the bay of Trafalgar, had furnished the occasion for that victory which stamped immortality on the name of the hero who achieved it. He mentioned these circumstances to do away the imputation of imbecility which had been thrown out. He would only at present detain their lordships with one reflection more. It was true that neutral states were liable to certain inconveniences, but they also possessed great advantages over others. America owed her advancement in population, in agriculture, in arts, and prosperity, to the security and protection afforded her by Great Britain, to the dominion of this country over that vast element which separated her from European power and jealousy. Although, therefore, she might have had wrongs, although she might have had grounds of complaint, although she might have had pressing provocations, yet she ought to have looked to this country as the guardian power to which she was indebted, not only for her comforts, not only for her rank in the scale of civilization, but for her very existence. From the papers now laid before the House, from every page and line of those papers, it would appear that she had constantly shewn the strongest partiality towards France. It was important that this fact should be known; for it must eventually have the effect of opening the eyes of the inhabitants of both countries to the conduct and motives of the American government.

Marquis *Wellesley* said, it was far from his intention to ground a charge of misconduct against ministers on the escape of certain ships: his objection had gone distinctly to the mode of stationing our naval force on the American coast, and to the limited extent of that force so employed.

Lord *Holland* found himself compelled to break through that unanimity which had been so anxiously desired that night, and also to state, very briefly, the grounds on which he should withhold his assent from the Address. He admitted that the war on the part of America was a war of passion, and not of necessity: but he regretted that the Address had been so worded as to imply that the American government had peremptorily insisted on our surrender of the right of impressing seamen, and to this he could not agree on the face of the evidence. A proposal to explain and adjust, was not a proposal to surrender. From the statement of Mr. Monroe, it appeared that the shades of difference on the subject were so nice, that he himself was not without hopes that they might still be done away. The noble Secretary of State was, he conceived, not correct in stating, that no country had ever claimed authority over naturalized subjects. A statute of the 2d of queen Anne was then lying on their table, which extended the protection of this country to any person in any state of Europe taking the oath of allegiance to the British government. If

the sentiments of the American government were not greatly altered since he had the honour of negociating with them, they were very ready to make concessions in this point. Had any member of Congress, of equal eloquence with the noble lord, drawn such a picture of the sufferings of the friends and parents of the seamen detained by this country, as the noble lord had presented on the other side, he should have thought it would have produced a spirit in that country, the reverse of a disposition to peace or conciliation. He could not vote for the Address, but he should not move to leave out the words which formed the ground of his objection, because such an amendment might be improperly construed into a disapprobation of the claim itself, which was the subject of controversy.

The Earl of *Harrowby*, after the declaration of the noble lord who had just sat down, that the hostility of America originated in passion, and not in reason, felt himself at a loss to conjecture to what part of the Address the noble lord's objections could apply. He was ready to attribute those objections rather to a microscopic eye, too fond of seeking after minute shades of difference, than to a jaundiced mind, taking a tincture from its own prejudices, and discolouring the object of its contemplation. The right of impressing, which was of such infinite importance to the vital interests of this country, had been required to be surrendered on certain conditions, not as the price of peace, but as the price of an armistice. No longer ago than June 1811, Mr. Foster had expressly declared that the American government could make no distinction between native and naturalized subjects. If the American government were determined to act up to the spirit of this declaration, in other words, to assert their right to make every subject of this realm a deserter and a traitor, it was impossible that peace should ever return—war must be eternal.

Lord *Holland* explained. He said that one great point had been entirely lost sight of, which was, that there were rights on the part of America, and rights belonging to this country. What the Americans demanded was, that we should enter into a negociation to adjust and fix the boundaries of those rights. By consenting to suspend the exercise of a right for a certain period, we did not agree to surrender it. He had declared that the Americans appeared to him to have been hurried into acts of intemperance and passion, but we ought to make a correct statement of what those acts were; we were not to bring general charges against them of which there was no evidence.

Lord *Erskine* disapproved of the Address. It had been said that this was a war of passion with the American people. It might be so; but to whom was that passion to be originally attributed, by whose conduct was it excited? A war between nations might be compared to a quarrel between individuals. It was not enough to know the degree of passion or irritation which had been produced, in order to judge of the merits of the quarrel, unless we at the same time knew the aggravating circumstances, the insult or injury by which it had been produced. The noble lord could not consider the war as the consequence of the question of the right of impressing. It originated in the former irritations between this country and America previous to the Orders in Council. This shewed that neither this country nor America was sincere in placing the grounds of the war solely on that question. There were other causes which stood in the way of conciliation, and no good understanding could take place between the two countries till these were removed. It had been said that this war, if the Americans persisted in their claims, must be eternal. If so, our prospects were disheartening. America was a growing country—increasing every day in numbers—in strength—in resources of every kind. In a lengthened contest, all the advantages were on her side, and against this country.

The *Lord Chancellor* was of opinion that the last topic on which the noble lord had insisted, was the only justification which government could offer for having delayed the war with America so long. It was their sense of the great and many disadvantages necessarily attending the contest, which had made them so reluctant to enter into it; and in the same spirit of forbearance, they should be always ready to avail themselves of every opportunity of returning to a state of peace. The right, the temporary surrender of which at least was made the *sine qua non* of negociation by the American government, was one which was necessary to the existence of this country, and if it was ever more necessary to it at one time than another, this was the period. There was no

question in the whole course of his political life on which he had been called to judge, where he had given his opinion more reluctantly or more decidedly. If the claim of naturalization, insisted on by the Americans, were allowed, why should it not be made by other countries? If a residence of five years established the right, why should not a residence of one month? It would thus be easy, by the offer of impunity, and by the temptation of greater pay, to seduce our seamen into the service of foreign states. Unless America should think proper to alter her tone, he did not see how the national differences could be settled: surely never, if the condition of conciliation was to be the concession of that claim which was the life of our navy, and through that, the life and protection of the country. Was it not, he would ask, a surprise on the nation, to find at length that the war with America did not arise out of the Orders in Council, but from a cause which had never been dragged into the discussion while there was any thing else to talk about,—from a cause now introduced merely for the purpose of irritation, and as a pledge of their hostile intentions? As an adviser of the crown, he would never consent to an armistice on the condition of appearing to hesitate about a right so vitally affecting the nation, that its ruin might ensue in a month from its concession.

The Address was then carried without a division.

HOUSE OF COMMONS.

Thursday, February 18.

Petitions against the Claims of the Catholics—from Wallingford—New Sarum—and Archdeacon, &c. of Middlesex.] A Petition of the corporation of Wallingford, Berks, was presented; setting forth,

"That the petitioners take leave humbly to express their wishes and opinions upon the great question which at present so much engages the attention and interests the feelings of the public, the demands of the Roman Catholics: that every man should be at full liberty to worship the Divine Being in the way which he is convinced is most acceptable, is a position which the petitioners flatter themselves, is not controverted in this country: toleration to the utmost extent, in matters of religion, they are persuaded ought to exist: they believe it does; if in any instance it does not, they pray the House, as a branch of the legislature, to take such steps as shall supply a remedy; but they beg leave humbly, yet earnestly, to state, that establishment is a matter of quite different consideration; they bear no ill-will to the Roman Catholics, though no man can deny that when they possessed political power they used it oppressively; the petitioners cannot but esteem every attempt to be inauspicious which has confessedly for its object an alteration of any point established and ratified by the glorious Revolution; they have the authority of the parliament which completed that great event to assert, that the grievances which were then complained of and recapitulated by them, and of which they employed themselves in devising the means of preventing a recurrence, were utterly and directly contrary to the known laws, statutes, and freedom of this realm; the execution, therefore, for the future, of the laws in being was their single object, and the single mean which they devised for securing this point, was the exclusion from political power of all such persons as were not friendly to the constitution, and refused to give public pledges of their being so; and that it is a fact which cannot be denied, that since the Revolution the nation has enjoyed internally greater happiness, quiet, and security, and during that period the public functionaries have invariably and exclusively been Protestants; and praying, that the laws for securing the religion established in this kingdom, on which the petitioners presume to think radically depends the Protestant succession to the throne, and the permanent tranquillity of the empire, may undergo no alteration."

A Petition of several inhabitants of Lewes and places adjacent, in the county of Sussex, was also presented; setting forth,

"That the petitioners observe with astonishment and alarm the persevering efforts of the Roman Catholics to obtain admission to all offices of trust and authority, both civil and military, and to the exercise of legislative functions; and that it is with unfeigned satisfaction they see their fellow subjects of the Romish Church freed from all pains and penalties on account of their religion, and in the full enjoyment of the blessings of toleration; but the petitioners feel it their bounden duty not only to themselves, but to pos-

terity to resist their endeavours (notwithstanding the numerous concessions already made to them) to get possession of political power and legislative authority, and thereby to destroy that Protestant ascendancy to which the people of this country are indebted under Providence for the establishment of their liberties on a firm and solid basis, for the petitioners consider it as a fixed and unalterable principle of our glorious constitution, as settled at the Revolution, that the legislative and executive authorities of this Protestant country, can be administered only by Protestants; and they regard the laws by which that principle is established as no less sacred and inviolable than Magna Charta and the Habeas Corpus Act, and implore the House stedfastly to reject all applications for the repeal of those laws."

A Petition of the inhabitants of New Sarum was presented; setting forth,

"That the petitioners, justly appreciating the inestimable blessings which they enjoy under the Protestant constitution, by law established at the glorious Revolution, and alarmed at the restless and incessant attempts of the Roman Catholics to be admitted to offices of civil power and military command, notwithstanding the complete toleration which has been already conceded to them, and which, according to their own frequent declarations, left them nothing more to ask, do most humbly, but at the same most ardently, implore the House to protect the Church and the State from those dangers with which they are both of them equally menaced, for should the Petitions of the Roman Catholics, or rather their demands, for what, by a strange solecism in language, is termed Catholic Emancipation, be complied with, the petitioners apprehend that their views and expectations will proceed even farther; and that they may use their augmented influence and authority in the state, even to re-establish that system of civil and religious thraldom from which the wisdom and the virtue of our ancestors so nobly and so happily rescued us; and that to the truly great men who began, and to those who at subsequent and different periods successively perfected and established the Reformation, the petitioners look back with feelings of increased reverence, admiration, and gratitude, they bequeathed us laws, founded in the most consummate wisdom, and the soundest policy, and of those some are not of a temporary nature, but are fitted to all times and to all circumstances: hence, under the protection of those laws, this nation has enjoyed uninterrupted peace and unexampled prosperity; and that, forcibly impressed with these sentiments, the petitioners do most confidently hope and trust, that the safeguards of the constitution will not be thrown down, but, on the contrary, that they will be transmitted unchanged and unchangeable to the latest posterity."

A Petition of the archdeacon and clergy of the archdeaconry of Middlesex, in the diocese of London, including the parochial clergy (as well exempt as otherwise) of the county of Middlesex, with the deanry of Braughing, Hertford, and the deanries of Harlow, Dunmow, and Heddingham, Essex, was presented; setting forth,

"That the petitioners are informed that a Bill is shortly to be offered to the House for removing the restrictions that are now by law imposed on those who profess the Roman Catholic religion in this United Kingdom, and to admit them to all offices of trust and authority, both civil and military, and even to sit in the imperial parliament, and to legislate for a Protestant Church and State; and that, in their contemplation of a measure so deeply interesting to the welfare of the Church as by law established, the petitioners have been led to consider whether the concessions hitherto made during the present reign in favour of the Roman Catholics, by which the free exercise of their relilion, and other important civil rights, have been granted to them, have produced any relaxation in the principles of that Church; but it is with extreme concern they find that it remains as hostile to the mild temper of Protestantism, that it claims the same spiritual authority, assumes the same infallibility, and considers all Protestants as without the pale of the Christian Communion; and that it is in all respects the same, whether in doctrine or in discipline, as at the time when these restraints were imposed, the open and undisguised avowal of which has been recently made by many of its most eminent spiritual directors, and, what is particularly alarming to the minds of the petitioners, asserting the supremacy of a foreign power in these realms, a principle not only contrary to the constitution as established at the Revolution, but incompatible with the first principles of all civil go-

vernment; that the petitioners, whilst they are sincerely anxious that their Christian brethren professing the Roman Catholic religion should enjoy every kind and degree of toleration which is consistent with the safety of the constitution in Church and State, feel it their bounden duty, as ministers of that pure religion, the secure possession of which they regard as the first of blessings, humbly, but earnestly to express the conviction they feel that the laws now subsisting, by which the Roman Catholics are restricted from the exercise of legislative authority and civil power, are not less necessary at this time than they have been heretofore found to be for the maintenance and security of the Established Church; and praying, that the House will in its wisdom continue to preserve those salutary restraints which, through the Divine favour, have hitherto proved the firm support of this nation and constitution in Church and State, to maintain and perpetuate which the family of our revered monarch was placed on the throne of this kingdom."

And the said Petitions were ordered to lie upon the table.

ADDRESS RESPECTING THE WAR WITH AMERICA.] Lord *Castlereagh*, in rising to call the attention of the House to a most important subject, namely, the negociations which had preceded the present state of our relations with the United States of America, thought it necessary to remark, that it was not the ordinary practice of the ministers of the crown to bring before parliament documents for the purpose of showing that they were entitled to the approbation of the legislature; and if those now laid before the House had that tendency, it would be recollected that the production of them had been frequently requested, and pressed by gentlemen on the other side. His Majesty's ministers were generally disposed to be satisfied with the pleasing reflections which arose from the consciousness of duties fulfilled and zeal employed to promote the public welfare; it would savour of arrogance to obtrude, themselves, the details of their services, however meritorious they might be, upon the notice of parliament, and challenge the approbation of that high tribunal, how fervently soever they might desire to obtain it. The correspondence now submitted to the House comprehended a period of two years and a half, and the perusal of these various papers would sufficiently show how little ministers were disposed to withhold any information that could be in the least satisfactory to the House or to the public, or refuse to furnish lights by which their own conduct might be subjected to the most rigid scrutiny. The question which he should ground on the production of those papers, was one in the decision of which the character of the country was at issue; and as it was therefore of the utmost consequence that such decision should be the result of the most patient and cautious deliberation, he would cheerfully supply, by unreserved answers to any interrogatories that might be put to him, such information as might tend to elucidate the documents on the table, and render the result of inquiry as full and mature, as it would be beneficial to the community. The chief point to which the attention of the House would be directed was, whether it had been in the power of ministers, by any exertion, to have prevented the much-to-be-deprecated war in which we were now engaged; and here he hoped to have credit from the House, when he said, that no one more sincerely lamented the necessity of that war than he did. War, in its most favourable aspect calamitous to a country, was, in this instance, rendered by peculiar circumstances doubly calamitous. Most sincerely grieved was he that he could but too well make out for the satisfaction of the House the necessity there was for extending that evil; for exchanging, in our relations with the United States, that peaceful intercourse, which was so beneficial to both nations, for all the ills which a state of hostility involves; and he trusted, that in the sentiment by which he was actuated, his colleagues, the parliament, and the nation at large, most cordially participated. That justice was obviously on our side, was, indeed, a mighty consolation, but certainly not all-efficient to subdue the sense of the calamity in which the severe pressure of necessity had involved us. But was a feeling of this nature to lay us at the feet of an enemy who had met every act of conciliation on our part with augmented hostility? He trusted that we would be found actuated by a far different spirit, and that, after having deplored the infatuation in the government and population of the United States which had forcibly drawn us into the contest, we should turn our attention to every means by which unjust aggression could be most effectually repelled. In the course of

what he should have to submit to the House, and from the documents before them, it would appear very plainly that ministers had not wantonly plunged the country into a war which there were so many motives if possible to avoid; and in having at length recourse to it that they were compelled to the step after they had by repeated attempts to promote a pacific temper in the enemy, endeavoured to avert the evil. They felt confident that they had carried into it with them the feelings of the country with so full a tide, that it would be prosecuted with a vigour and firmness of spirit such as would be most likely to promote the only legitimate end and object of all war—a secure and honourable peace. Nor, indeed, was it to be despaired that a wise and firm line of policy on our part, together with a candid and temperate discussion of the differences which had arisen between the two nations, might have a more extended effect than that of confirming our own people in a resolution to maintain their rights unimpaired. It was difficult to suppose the people of America so deaf to the voice of reason as to be utterly unconscious that in the intercourse which had taken place between the governments of the two countries their's had not been the party which had held justice cheapest, and sought the most eagerly for war; and if their eyes were once opened to this fact, it would not be an unreasonable expectation if we looked to their calling on their rulers to desist from hostilities, in which they were likely to reap neither honour nor profit. The question now before the House was simply this, whether the country was or was not engaged in war with the United States, having justice on the side of Great Britain? And the proposition which he meant to ground on their decision in the affirmative was, that an Address should be presented to his royal highness the Prince Regent, calling on him to direct a vigorous prosecution of the war with the United States; and praying him to repose the fullest confidence in the support of his parliament and people. Of the negociations now before the House, he had to observe that many points had on former occasions occupied much of their attention, and given rise to discussions of no inconsiderable length. The points, therefore, to which he would more particularly draw their attention in the present instance were those which were to be found of any importance in the latter stages of the correspondence. They would, he was satisfied, easily collect from them the necessity of the stand which the government was now disposed to make, and would consequently acquiesce cheerfully in the proposition with which he should conclude to call on the crown to engage with spirit in the contest, confident of finding in the people a determined resolution to repel the attacks which had been so wantonly made on them, and which they could not have prevented but by a sacrifice of rights acknowledged and maintained by every nation whose intercourse with her neighbours is regulated by any reference to a code of international law. They would ascertain that every possible attempt on our parts had been made to bring the American government to reason, and that every such attempt had failed, merely because there was to be found in that government, supported by a part of the population entrusted to their rule, an inordinate and insolent spirit of encroachment which would have made protracted forbearance appear like imbecility, and would have committed the honour of the country, the government of which could seem insensible to insult so frequently repeated. This was a spirit which had seemed to gain strength from every fresh concession, and had at length risen to a height which imperiously called for resistance from this country, if the preservation of her rights and her honour were dear to her children. We had gone perhaps as great lengths as ever nation had gone, to evince our anxiety to be on a friendly footing with a people, with whom no doubt we had the strongest incentives to remain on such terms, it was now high time to substitute the spear for the olive branch, and show the perverse enemy we had to cope with, that in our humility no principle of fear had mingled, and that we could be as terrible in the conflict they had provoked, as we had been mild in the negociation by which we had sought to avoid it. The Address which he should this night propose to the House, he trusted, would lay the foundation of such a peace as it would alone be desirable to obtain.—The noble lord then proceeded to take a view of the documents which had been published by the American government, contending, that an adequate notion could be collected from them of the unreasonable spirit of hostility by which that government was actuated against this country. He referred in particular to the ex-

position of the President of the motives which had induced the declaration of war, and to the paper which had been published by the Secretary of Foreign Legations after the commencement of it. He asserted that these papers would be found to contain a full and complete disavowal of all the points on which it had been supposed in this country that concessions had been made, and amity thereby assured; those very points were what the American government had chosen to press as affording just grounds for hostility, arguing on them in precisely the opposite direction to what any reasonable man would have supposed them likely to do. They had extracted matter of offence out of every negociation, however amicably it appeared to have terminated, and not unfrequently even from those in which injury had been alleged on the side of America, and actual and apparently complete atonement made on ours. The war which had thus commenced had been followed up by an armistice; but if this armistice had been meant as an indication of a wish for peace, the tone and temper of the American government towards this country would have undergone a revolution, and far different grounds of adjustment would have been assumed from those on which they now stood. The great questions between the countries were, the Orders in Council, which it was customary in America to call an illegal blockade, and the impressment of our seamen. They might, perhaps, think that the former of these was taken out of the question by the armistice —that might be true; he would not pledge the American government further than they were disposed to commit themselves; but they ought not to have closed up every avenue to conciliation but those by having recourse to which we should make a surrender of our rights. Their ministers had even laid in a claim to indemnity for the vessels captured under the Orders in Council. Not satisfied with the forbearance manifested by this country in the revocation of these Orders, and the relinquishment of the blockade of 1806, the American government claimed the abandonment by that of Great Britain of the future exercise of the rights involved in those Orders and that blockade. With respect to the Orders in Council, that question had undergone repeated discussions in the British parliament, and a variety of opinions had certainly been entertained and expressed on the subject; but he would venture to say, that those opinions bore on the commercial expediency of the measure rather than on any doubts as to the right and competency of this country to retaliate and throw back on the enemy the injuries and inconveniences which their Decrees were calculated to inflict upon us. This was a discussion, the renewal of which he wished to waive at that moment; but he trusted, no individual would suppose, that his Majesty's government could be so dead to their duties, and so insensible to the genuine interests and rights of the country, as not to be anxious at the very moment they modified the measures which had been previously adopted, with the expectation of conciliating America, and inducing her to embark with Europe in the general cause against France, so to guide their conduct as to leave the rights and claims of this country on the subject as clear and untouched as if no relaxation whatever had taken place. Unquestionably, he was prepared to contend, that his Majesty's government had an undoubted right to issue the Orders in question, and that their justice and necessity at the particular moment at which they were issued, when the previous conduct of France was considered, must appear still more evident, as well as their foundation in the true and sound policy of the British empire. For whatever inconvenience a portion of the manufacturing interest of this country might have sustained in consequence of the interruption of the communication with the American market, he had no hesitation in stating it as his decided opinion, that had not the British government opposed to France measures similar to and retaliatory of the measures that France had adopted in hostility to this country, the commerce of France would have been as triumphant on the continent, as, until recently, had been her military career; and the commerce of Great Britain would have sunk to the lowest state of depression. He begged therefore to be always considered as one of the most steady and faithful admirers of that system in which the Orders in Council originated. When any relaxation of those Orders took place, it had always been on the principle of accommodating neutral powers as far as was consistent with the preservation of the system of coercing France to the abandonment of that unjust and unjustifiable system by which she was endeavouring to exclude British commerce from the whole world.

With respect to the blockade of 1806, now contended against by America, the fact was, that for a long period after its institution, it was wholly uncomplained of by the government of the United States; it existed for three years, not only without an adverse representation respecting it on the part of that government, but actually with a special representation in its favour, made by the American minister at the court of London. It was a measure on the legitimate nature of which all political parties in this country agreed. Originating in Mr. Fox's administration, the justice of it had been maintained by every government down to the present day. It rested on the ordinary and acknowledged principle of maritime law, viz. that the power by which it was instituted, possessed a force capable of maintaining it. He felt it to be due to the character of Mr. Fox to state that he did not institute that blockade until he had written to the Admiralty to know if they could support it by an adequate naval force, and it was only upon their answer in the affirmative that the measure was resorted to. He might also add, that in its execution a sufficient number of ships were employed to redeem it from any question even on the principle admitted by America herself, and by every other nation in the universe. On this point, therefore, he trusted that the character of this country stood on a ground wholly unimpeached. The question which remained to be considered, and indeed by far the most important question, was, that which related to the right of this country to impress British seamen found on board American merchant ships. He was sure that the House must be sensible that no question could be more closely interesting to the country, touching as it did upon one of the main features of our security, the support of our naval power. He would consider the general course adopted by the government of the United States on this subject, and would refer to the several overtures made by them upon it, in one point of view. In doing this, he should have occasion to advert to two letters from Mr. Russell, followed by one from the American agent at Bristol, and to the further discussions on the subject which took place in America between sir J. B. Warren and the American Secretary of State for Foreign Affairs; and the House would determine, on a view of the whole together, whether or not the course adopted by his Majesty's government was entitled to their approbation. In looking at this most important question (and certainly a more important question to this country was never agitated), it might not be inexpedient to enter into a comparative examination of the claims of the two nations, and of the temper in which those claims had been respectively urged. He would be the last man in the world to under-rate the inconveniences which the Americans sustained, in consequence of our assertion of the right of search. All neutral nations must suffer more or less from the exercise of such a right on the part of a belligerent. But while he admitted that America unquestionably suffered this inconvenience, and while he allowed that the government of the United States was perfectly justifiable in endeavouring to preserve American citizens as much as possible from the pressure of it, he maintained that that government ought to have recollected, that the exercise of the right itself was not merely a convenience to Great Britain, but belonged to her very conservation as a state; and that the abandonment of it would not have been merely inconvenient, but would have proved vitally dangerous if not fatal to her security. As a nation, therefore, Great Britain was amply justified in insisting upon that, the relinquishment of which would have shaken the foundations of her power. We had an undoubted right to consider the question with other feelings, and with greater tenacity than America, towards whom it did not threaten the loss of freedom or safety, but merely the inconvenience of a small portion of her citizens, from the just exercise of the right of a belligerent during the continuance of the war. In another point of view also, the American government ought to have been assured that this object was pursued by Great Britain in her own defence, and not with any objects of inordinate ambition. He trusted that he should not be considered illiberal in declaring, that, in his opinion, the American government had prostituted its character, by taking a tone on this question unfounded in reason and good sense, and only calculated to produce prejudices in America, incompatible with the future harmony of the two countries. Let the subject be fairly examined, and he was sure that no rational or unprejudiced mind would say that it was possible the object was such to us as to induce the British government to do any thing unjustifiable for

its attainment. The government of the United States contended that Great Britain had used every species of oppression towards the American seamen, assuming most wrongfully that every individual taken by the British cruisers out of an American ship must necessarily be an American subject. That this was not the fact would appear upon a *prima facie* view of the case. The Americans assumed, that Great Britain had impressed 15 or 20,000 American citizens. He entreated the attention of the House to that which he was about to state. He would not pretend to come exactly to the truth, but he would approach so near to it, as to enable parliament, and to enable America herself, to judge whether the actual and immediate value of the object in question was such, and whether that object was so imperatively necessary to the maintenance ot the maritime power of Great Britain, as to induce the British government to risk all the soreness and irritation that had taken place between the two countries, on that account, instead of getting rid of that bone of contention which prevented the cordial friendship and co-operation so desirable. It was impossible to believe that for such a paltry and miserable object as that which he was about to state, the British government could have shewn themselves insensible to the great interests of the state, and plunged the country into a war for its attainment. Having premised this, he would proceed to inform the House, that so far from our having 15 or 20,000 American seamen in our service, it did so happen that at two distinct and recent periods the Admiralty ascertained how many of the 145,000 seamen actually employed in the British service professed themselves entitled to be discharged as American citizens. And here he must observe, that it was impossible to put the question at issue on a point of view more favourable to the assertion of the American government, because every individual who had the slightest pretext for doing so would make a claim, the immediate result of which might to him seem likely to lead to liberty, and to the means of engaging in a service more lucrative than that of the British navy. What were the returns? In January, 1811, the whole number out of the 145,000 who claimed to be American subjects (and let it be remembered that the justice of the claim rested on their simple declaration) was 3,500. When a similar application was made at the commencement of the present year (a considerable number having been discharged in the mean time), the return was less by several hundreds. But although 3,500 individuals asserted their claim to discharge on the ground of their being citizens of America, the House must be informed, that on ordinary occasions, it was found that the proportion of those who could establish their claim on any tolerable ground whatever, in cases of examination, was about one in four. Let it be supposed, however, that one half of the number so claiming, really were, or established themselves, by proof, to be American citizens. It would follow, that in the great extent of our navy, there were 16 or 1700 individuals, who were there contrary to the wishes of his majesty's government, and who had some rational ground for demanding their liberation, on the ground of their being subjects of the United States. Now, could the House believe that there was any man so infatuated —or that the British empire was driven to such straits, that for such a paltry consideration as 1,700 sailors, his Majesty's government would needlessly irritate the pride of a neutral nation, or violate that justice which was due from one country to another? He trusted, that when America duly considered the subject, she would see that Great Britain could have no illicit reason whatever for her conduct; and that the object of Great Britain, in insisting upon the right of search, was not to acquire American seamen, but the much broader and more important one of guarding herself from being deprived of her own. He must be permitted to say (and in saying it he meant no undue offence to the American government), that nothing had appeared in the councils or conduct of the United States, with respect to the large interests of the world at this most important period, to inspire this country with confidence, or to justify his Majesty's government in putting the interests of Great Britain into the hands of the American government, with the expectation that they would be maintained with friendship and fidelity. Nevertheless, so mitigated had been the conduct of his Majesty's government on the point in question, that the Admiralty had always directed our officers not to press seamen professing to be American-born who were found on board American vessels with certificates signed by the collector of the

customs of an American port, and included in the certificated lists of the crew. It was, however, well known that these certificates were readily and fraudulently obtained, and granted to a degree perfectly inconsistent with any disposition on the part of the American government, and of the American officers, to counteract the abuse of which Great Britain complained. They were granted with a laxity which threw a deep stain on the character of the government of a country professing to rank among civilized nations. In two of the principal ports of America, New York and Philadelphia, the system of obtaining false certificates from the collectors was so disgracefully open, that in the former of those ports the collector one day allowed an old woman to qualify a whole host of seamen for receiving them, by swearing that she knew they were American citizens. The transaction proceeded to such a length that the very clerk remonstrated against its baseness, and appealed to the collector as to the possible credibility of the witness. The reply of the collector was, that it was no business of his, for that he was only ministerial in the affair; and the old woman continued during the whole of the day to receive her two dollars for every oath that she took, all who applied to her and through her means obtaining certificates. In Philadelphia, occurrences of a similar nature had taken place, but he would not fatigue the House by detailing them. Certificates were also frequently transferred from one individual to another, and became as much matter of sale as any other personal property. So much so indeed, that after a transfer of this kind it was no unusual thing to see produced by a person of colour, a certificate for his protection, describing him to be of fair complexion, light hair and blue eyes! But the question did not rest on this view of the fraudulent mode of granting and obtaining certificates. Was there not something in the practice of the American government which laid them open to a jealous suspicion on our part, even if the system of certificates was as faithful as it was evidently fraudulent? Was there nothing to induce Great Britain not to part with the means of doing herself justice on the subject? Did America admit that the natural born subjects of this country were bound to give their aid and assistance to their natural sovereign? Her conduct distinctly denied it. She held that a British subject, who by a false oath converted himself into an American citizen, or who naturalized himself in America in conformity to the American laws, ceased to owe allegiance to the king of his native country, and was entitled to be protected as an American citizen. Contemplating all these circumstances, looking at the general spirit manifested by the government of the United States, looking at the known frauds of the certificating system, looking at the pretensions of the American legislature to divest, by Naturalization Bills, British subjects of their allegiance to their sovereign, so far from being encouraged to throw the point in question into the hands of the American government, it behoved this country to regard any such proposed surrender of their known and unalienable rights with jealousy, and to consult our own security before we gave up to America or to any other power the means which we possessed to defend ourselves, by the exercise of a right which never had been, and never could be, justly questioned. He would proceed to consider the mode in which America urged her pretensions; and would show, that the government of the United States allowed the war to continue to rage, not because Great Britain would not enter into a fair discussion of all points between the countries with a view to their amicable adjustment, but because Great Britain was not prepared to concede the question at issue as even a preliminary to an armistice. And here he must observe, that it was a singular fact in diplomacy, that a question which on former discussions had certainly been brought forward, but never, down to the declaration of war, in the tone of a war question by America, was unexpectedly placed in the front of the battle, being actually the first proposition in the American declaration of war. At the moment that America found this country, in the spirit of her usual amity, availing herself of the opportunity afforded her by France, to try whether the Orders in Council could not be put on such a footing as to cease to be injurious to American commerce—when the government of the United States found that we had revoked the Orders in Council, and that the blockade of 1806 was no longer in operation,—that these grounds, the only original grounds for hostilities, were removed from under her,—that government declared that unless Great Britain were prepared to concede the point in dispute between the two countries rela-

tive to the impressment of seamen, they would persevere in war, on a ground which up to that moment had never been adduced as a threatened cause of hostility. This was evident from Mr. Russell's first note, and from the last and most authorised communication from Mr. Monroe to Sir J. B. Warren. Mr. Monroe declared that the right of impressment must be given up by the British government, and that any regulations to be substituted for it might be the subject of future regulations. Even were the two countries on an amicable footing, it would be strange for the one to ask the other to put it in possession of a disputed point, while the justice of that point was yet controverting. But here the two countries were hostilely engaged, and America declared that she would not suspend the war unless Great Britain marked her sense of her own injustice, by abandoning that which had been the subject of dispute! Never was there a more unreasonable attempt on the part of one power to dictate to another, and that too under circumstances of the most offensive nature. Adverting to the recent negociation with Mr. Russell, he observed, that his Majesty's government did not conceive it to be any sacrifice of the dignity of the country, not to allow any question of form to stand in the way of that negociation. Mr. Russell possessed no instrument which, in the ordinary course of diplomatic practice, entitled him to claim a hearing from the British government; but as he and his colleagues in office, had no doubt that the letter in the possession of Mr. Russell, from the American Secretary of State for Foreign Affairs, although not professedly written by command of the President of the United States, was transmitted to Mr. Russell with his privity and consent, they were not disposed to object to treating with Mr. Russell on the score of informality. In the second communication received from that gentleman, he distinctly stated that he was authorised to come to an understanding with the British government on the points in dispute between the two countries. It was not too much to expect that he was furnished with the means of enabling the party to whom the communication was made to judge in what sense the term "understanding" was to be taken. The noble lord said, that in his conversations with Mr. Russell, however, he found that such information was not to be obtained. When that gentleman seemed to depart from the ground of calling on the British government to suspend the right of impressment during the discussions on the subject, he (lord C.) was anxious to know the nature and extent of his instructions and authority, and this Mr. Russell avowed with the utmost fairness and candour. He stated that he was not directed by his government to insist on the suspension of the practice of impressment during the discussions, but that his government required to have a clear understanding with the British government, both on the subject of the impressment and on that of the Orders in Council, before they would consent to an armistice. When he asked Mr. Russell if he was clearly instructed as to the nature of the expected understanding, that gentleman confessed that he was only instructed to require a distinct understanding. Now what was the nature of this understanding?—nothing more nor less than that the British government should secretly admit that which was refused to be conceded openly, viz. that Great Britain should ultimately be tied hand and foot to the abandonment of the right of impressment. When he asked Mr. Russell what were his positions with respect to British subjects becoming American citizens, and whether he held that the allegiance of British subjects could be dissolved by the American government? the reply was, that there was not a word in his instructions on that point. On being questioned on other topics of the most ordinary nature, Mr. Russell stated that he had an opinion of his own upon them, but candidly admitted, that he was not instructed on the subject by the American Secretary of State, When he (lord Castlereagh) asked him, whether he had any *projet* of the understanding to which the government of the United States were disposed to come?—he replied, that he had no such *projet*. Did all this wear the semblance of a disposition for fair discussion? He felt himself therefore bound to say, that the British government was justified in viewing the conduct of the government of the United States with alarm; and, without shutting the door to negociation, in taking care that the ancient and undoubted rights of this country should not be called into question, and that the maintenance of those rights should not be entrusted to any other power. Such would have been the determination of his Majesty's present servants, had the subject been brought under their consideration for the

first time. But this was not the case; they had important previous lights by which to guide their judgment. He conceived that he did his duty no less to America than to Great Britain—he conceived that he was performing the part of a peace-maker, when he candidly apprised Mr. Russell of the relative situation of the two countries. Imagining that he perceived in the conduct of Mr. Russell, in the several discussions that had taken place in the American legislature, and in the protest entered by the minority in that legislature, a disposition to believe that the facilities for settling the question on our part were greater than they actually were, he thought it his duty to impress on Mr. Russell's mind, that, although the British government were ready to listen to any reasonable proposition from America, they deprecated the notion that it was not a question of great difficulty itself, or that it might be assumed that because the British government were disposed to concede, and anxious for the maintenance of a friendly intercourse with America, that therefore the slightest motion on the part of America would be equal to the accomplishment of peace. In fact in proportion to the number of times at which the question had been agitated, and to the disposition manifested by the British government to settle it, was the inference strengthened that it was a difficult question. In 1803, during lord Sidmouth's administration, the proposition of adopting some substitute for the impressment was discussed with such temper by the British government, that Mr. King wrote to his own government in the confident expectation that the affair would be arranged. Lord Liverpool and lord St. Vincent were favourable to the proposition; but when it was submitted to the law officers, their opinions precluded the government from carrying their intentions into effect. The proposition was renewed in 1807, under auspices which he (Lord C.) had strongly impressed on Mr. Russell's mind, for it was renewed when America believed (though it was unjust to imagine that any party in this country was inimical to America) that a party peculiarly friendly to her was in power. The negotiation proceeded between lords Holland and Auckland and Messrs. Monroe and Pinckney; and such were the hopes entertained of a favourable result, that the American commissioners were induced to lay no less than three distinct *projets* before the British government. All these *projets* underwent separate deliberation. The result was, that notwithstanding the eager disposition of the British government, and the labour and good faith of lords Holland and Auckland, such were the difficulties that arose when the details came to be entered into, that the British government were obliged to declare to the commissioners that all their *projets* were inadmissible; and that the treaty must proceed to a conclusion without including any arrangements with respect to the impressment. He mentioned this, not to show any hostility against a modification of the existing system, but to prove that the problem was not of such easy solution as to warrant America in indulging the expectation that she should be able to dictate the abandonment of the principle under the menace of war. The various negotiations on the subject had been conducted with the utmost temper and moderation, but it seemed probable that it never could be settled with the complete relinquishment of the right of search. It was, therefore, that he endeavoured strongly to impress on Mr. Russell's mind, that so far from there being any probability of a settlement of the question under any angry relations between the two countries, it was one which would be difficult of determination under any circumstances; and that it was the evident policy of America to terminate the war as soon as she could, and not endeavour to drag on or force Great Britain into an acquiescence in her wishes which could never be allowed. Reverting to the assertion of the American government, that the impressment of seamen was the question on which the two countries were at war, he expressed his desire to know in what part of America the government would find a feeling correspondent with their own? If any such existed, surely it would be in the maritime states, who alone could suffer by being deprived of their seamen. But in fact, in what part of the Union was to be found a temper indignant towards Great Britain? Was it in the agricultural southern—in the more retired states of the Mississippi? Or was it in the eastern commercial and maritime states, possessing ships and sailors, and on whom consequently our practice operated in full force? So far was the war from being popular in these last, that it was most loudly cried out against; and particularly on that ground of supposed irri-

tation! That the conduct of Mr. Madison in embarking in the war was strongly disapproved in the eastern states of America was evident by his not having had a single vote from those states for again raising him to the presidency. Having thus endeavoured to show that in the whole course pursued towards America the British government were not chargeable with want of temper and due forbearance, he might, perhaps, hear it said that they were chargeable with not having pressed America with sufficient vigour. It would occupy too much of the time of the House were he on the present occasion to enter into any details on the subject, or to explain the views by which his Majesty's government were influenced in the apportionment and application of the military means of the country.—This would be a fit subject for future discussion, and he professed himself to be ready to meet it whenever it should be regularly brought before the House. But, without wishing to provoke any observations on the present occasion, he might perhaps be permitted to make a few remarks which appeared to him to be of a satisfactory nature. His Majesty's government, down to the period of the commencement of hostilities, had certainly never drawn our military forces from other services, with a view of accumulating the means of war in America. They had merely thought it their duty to provide adequate means of defence in that quarter. The declaration of war on the part of the American government, was not more unexpected at the time it took place, than it was at several periods of the negociation. Our minister in America, in communicating that occurrence to the British government, declared that it was entirely unexpected by him and by the Americans themselves. As early however as May last, unwilling to deceive themselves with respect to the probable issue of the negociation, his Majesty's government gave the necessary orders to the various officers, and took measures to reinforce the army and navy in America, as far as was consistent with other services. If some might think, that subsequently a due degree of active hostility had not been exhibited, he should be ready, in all humility, to give his reasons for thinking the imputation unfounded, and for preferring the employment of our forces on certain, rather than on contingent objects. Persevering in the principle of conciliating rather than in irritating the Americans, government adopted a defensive rather than an offensive warfare towards them. Without withdrawing any of our force from the peninsula, we had been able successfully to defend Canada, and to prevent any one of our valuable fleets from falling a victim to the sudden eruption of a war, the moment of the declaration of which was chosen by the enemy. If it were contended that the blockade of the American ports was not sufficiently early, he would reply, that it was not deemed an advisable policy to institute that blockade immediately after the declaration of war; first, because that would have been to punish our allies, who were obtaining their requisite supplies by those outlets; secondly, because there were many American merchants who had purchased goods in this country on the faith of their being allowed to import them into the United States. In contemplating the whole course of conduct adopted by government in this affair, he trusted he should not be accused of arrogance for declaring that he saw nothing of which he repented, or which he wished retracted. While they had manifested an anxious desire on all occasions to modify their measures in such a way as should be least offensive to neutral powers, he defied any one to lay his finger on any part of their conduct, by which they had sacrificed the rights and interests of the country. If they had been unable to avoid war, they had at least given the country a good cause of war, and had sacredly guarded all her privileges. For America, he confessed that he deeply lamented the injury which her character had sustained by the conduct of her government; it was conduct unworthy of any state calling itself civilized and free. The hostility of America towards the powers of Europe who were struggling to repress the ambition of France, had precipitated her from the eminence on which she had heretofore stood; and if any thing could lower her still more in the cool judgment of every reflecting mind, it was the moment which she had selected to throw her weight into the scale of French influence—it was on the eve of receiving, through the communication of the British government, that most offensive paper of the duke of Bassano's, which menaced every country that would not acquiesce in the designs of France. As far as Great Britain was concerned, it seemed as if America was impatient to get into

the war; otherwise, after waiting so long, she would assuredly have waited the result of the deliberations of that House, certainly sanctioned by a great portion of the community, on the expediency of persevering in the Orders in Council. It was no answer to say that it was in vain to wait for sentiments which had already been often and distinctly expressed; for although the British government might have still maintained the right in which the Orders in Council were founded, the question of commercial expediency might induce a different practice, reserving the right. The American government therefore had no reason to suppose that the agitation of the subject would not end in the revocation of the Orders; but if there was nothing else to be considered, let the House consider the situation of the rest of Europe at the moment when America threw her power (power in the sense of embarrassment) into the scale of France. It was at the moment when Buonaparté had declared his intention of invading and subduing by arms, every country that would not submit to receive his commercial regulations, and to become the instruments of his will—it was at the moment when a large French army was assembled on the confines of Russia, and when Buonaparté was proceeding to lead them, in he sanguinary expectation (an expectation so happily defeated) of compelling the whole world to adopt his measures—it was at that moment that the government of the United States, with an unexampled degeneracy of feeling, thought it consistent with the character and interests of America to associate herself with France in the base and violent attempts of the latter. Was this a country entitled to hold the language of independence, or to talk of abolishing the rights and privileges of others? Was this the standard of American principle and American practice on the great question whether the world should be governed by its ancient laws, or by the arms of France? Was the moment when the American vessels, burnt by the French, were yet seen smoking on their coasts, the moment for indulging in oblivion of all the insults and injuries that America had received from France, and of embracing France in the bonds of a strict amity? If ever there was an event to which the most pregnant circumstances gave a character of peculiar reprehensibility, the decision of America was that event. With respect to the delay in the publication of the declaration of his Majesty, in answer to that of the American government, it was occasoned by the hope that America might still become sensible of her error. Thus, had he touched on all the points to be considered. He trusted the House would not suppose that it was merely the conduct of his Majesty's government on which they were to pronounce. Unquestionably he hoped that their conduct had been strictly honourable, and that parliament would so consider it. But the great question was, whether or not the war with America was justifiable on the part of this country, and whether or not the House would pledge themselves to maintain it with vigour. He had no hesitation in laying his hand on his heart, and declaring that as he was satisfied that every justifiable means had been resorted to in order to avoid hostilities, so he was no less persuaded that a vigorous prosecution of the contest would be the surest mode of bringing it to a speedy and successful termination. The noble lord concluded by moving,

"That an humble Address be presented to his royal highness the Prince Regent, to acquaint his Royal Highness that we have taken into our consideration the papers laid before us by his Royal Highness's command, relative to the late discussions with the government of the United States of America:

"That, whilst we deeply regret the failure of the endeavours of his Royal Highness to preserve the relations of peace and amity between this country and the United States, we entirely approve of the resistance which has been opposed by his Royal Highness to the unjustifiable pretensions of the American government, being satisfied that those pretensions could not be admitted without surrendering some of the most ancient, undoubted, and important rights of the British empire:

"That, impressed as we are with these sentiments, and fully convinced of the justice of the war in which his Majesty has been compelled to engage, his Royal Highness may rely on our most zealous and cordial support in every measure which may be necessary for prosecuting the war with vigour, and for bringing it to a safe and honourable termination."

Mr. *Ponsonby* said, that though the noble lord had not quoted any expressions of his, yet as he stood in a very prominent situation, and had not unfrequently de-

livered his opinions on American affairs, the allusions made to him by the noble lord appeared to be so direct, that he felt himself now bound to speak, lest he should be subjected to a charge of inconsistency. The House must remember, for they had often heard him speak on the subject, what his sentiments were on the Orders in Council. From the commencement of that system to its conclusion, he had ventured to foretel, that if persevered in, it would produce hostilities between the two countries. And, when his Majesty's ministers, in compliance with the wishes of that House and of the country, thought fit to revoke those Orders, he had expressed his conviction, however adverse he had been to them, and however pleased he was at their revocation, that the measure was too tardy to prevent the mischief and avoid the breaking out of war. He had also observed, that if it did not prevent hostilities, and if America manifested an angry and acrimonious spirit towards this country, or persevered in unreasonable demands, he would be as ready to oppose any unjustifiable encroachments attempted by her, as the firmest friend to those Orders in Council could possibly be. The noble lord had travelled much farther back into the history of the Orders in Council than he wished to go. There was now no question before the House, founded on them. They had been revoked, but they had not produced peace; we were at present in a state of war; and, from every thing he could collect, on a subject wholly distinct from, and unconnected with, the Orders in Council. The noble lord said, that, under all the circumstances of the case, he thought his Majesty's ministers were fairly entitled to the approbation of the House; but, whether that might be the fact or not, he conceived the House was bound, at present, to support the crown in the prosecution of the war; and he confessed, for his own part, that though he might animadvert on some of the observations in the Address moved, and on some of the expressions used by the noble lord, he felt no disposition in his mind to vote against the general proposition. In the first place, the war was not of our making; the crown had not declared that war; the American government had declared it. And, therefore, there must be a strong case made out, for the power which sought war to induce them not to support their government in the situation in which it had been placed, or refuse their best co-operation in aiding it to repel aggression. The papers which had been laid before the House, contained a variety of letters arising out of the negociation which had recently taken place between the two countries. The most important subject which they comprised was the question of impressment; for, as to the Orders in Council, in a commercial or political point of view, they had been given up and were now entirely out of the case; they were given up, and constituted no ground of the war at present carried on between America and this country. From these papers, three particular stages of negociation were apparent, to which he thought the attention of the House ought to be directed; and on each of which he would offer a few observations and deliver an opinion in the perfect spirit of candour and fairness. The first stage was, the overture made by Mr. Russell to the noble lord for an armistice, with the understanding, that, "during its continuance, there was to be a negociation between this country and America, on the subject of impressment, and that, while it was pending, the right of impressment should be waived." Now, in his apprehension, this negociation, had the overture been agreed to, would have taken place under circumstances, which might have induced the American government to believe that this country was disposed to recede farther than, in his opinion, she ought, from her just rights; and therefore, if he had stood in the noble lord's situation, he would not have agreed to the overture, or concluded the armistice on such terms. The next proposition was, that though no formal or regular recognition should take place between the two countries, as to the suspension of the disputed right, yet a secret understanding of that kind should be preserved on the subject by the respective governments, till the matter in controversy was decided. On this second overture, he was free to say, he would have acted, had he been so situated, exactly as the noble lord had done. He would not have consented to receive that overture. The secret understanding—the request for concealment—would, in the very first instance, have been a sufficient reason with him to reject it.—The third stage of the negociation presented a third overture, on which, he owned, he entertained considerable doubts. This, as he understood it from the papers, was the

overture made by Mr. Monroe to sir John Warren, and might be thus described. "There is now," said the American secretary of state, "no difference subsisting between the two countries, likely to lead to a continuance of warfare, except this question of impressment; and I think, if some agreement can be entered into on this point, all minor affairs may be easily settled, and a peace must be the consequence." The objections which were made to the two former overtures could not apply to this. The American government were willing to negociate *flagrante bello*—while this country was freely exercising its accustomed control. "We will," said Mr. Monroe, "give up both points; we will neither require an armistice nor a suspension of the right you claim, and, under these circumstances, we will enter into negociation." What objection could there be to this, if his interpretation of the papers was well founded, and he was inclined to think that he understood rightly the construction which was given to this part of the correspondence; for, in the Declaration afterwards published by the Prince Regent, it was observed, as a reason for its refusal: "It is true, Great Britain might have entered into negociation, without an armistice, or a suspension of the right to impress; but then she was required to do it on the basis of receiving a legislative provision, from a foreign state, in the place of a right which she had long been accustomed to exercise." Now, on this part of the subject, he entertained very considerable doubts. It did not appear to him, that Great Britain abandoned her right, merely by entering into a negociation on the question. Was it a general proposition, that a nation gave up a right, when she proceeded to negociate respecting its exercise? If such a proposition as this were true, there would be no such thing as amicable negociation. Would it have followed, had the negotiation been proceeded in, that you must necessarily accept the security which America might offer? If you feared that the security would not be sufficient, you might have spoken thus in the commencement of the negociation, and guarded yourselves against it at the very entry—"We desire, of all things, the restoration of peace, on terms satisfactory to both countries; you propose to enter into a negociation on the subject of the right of impress—we are equally willing to do so; but, if you imagine, by our entering into this negociation, that we are disposed to abandon the right in dispute, without the most perfect, and complete, and decided satisfaction; that, in giving it up, our interests and honour shall be as strongly secured as they now are, you are very much deceived; and therefore do not enter into the negociation with us, for we will not surrender our right without the fullest security."—Had this language been used, Great Britain could not have been deceived; America would have known her situation; and the right would not have been weakened, in the event of the negociation proving unsuccessful. That the result of such a negociation would have been amicable, he was far from supposing; but, if America had formed any erroneous ideas as to the temper of this country, she ought to be told so. She ought to be told (although, he believed, there was no necessity for it) that Great Britain never would abandon her right of search of neutrals, for contraband of war, so essential to the maintenance of her dearest interests. If America conceived that she had the power of absolving men from the allegiance due to their lawful sovereign, and of making British subjects American citizens, she ought to be told that such a principle was unreasonable and unjustifiable, degrading to England, subversive of her interests, and therefore one which she would never cease to oppose. This was the language he would have held to the American government, had he been placed in the noble lord's situation—still thinking that it was possible to enter into some negociation on the unfortunate subject of the impress, without any abandonment of the rights, interests, or dignity of the empire.—He would ask of those who were of a different opinion, Was there ever to be a termination of war between the two countries? Were they to be always in a state of hostility? He hoped not: he trusted they would very soon be reconciled to each other. But if they were to return to that state of amity which was so very desirable, by what means was the change to be effected? Was it not through the medium of negociation? But what was the conduct pursued? The noble lord, in the papers before them, said—"We are ready to receive any proposition America may have to make on this subject, but we cannot treat with her on this point, for we cannot admit her basis." Now, if the noble lord meant by this, that the mere

act of negociating with America, was a recognition of this basis—if it followed, that the legislative provision of a foreign state not to naturalize British subjects must be received as an equivalent for our giving up the right of impress, the moment the negociation was opened—then he would agree in the opinion of the noble lord, that it would not be right to treat. But did the noble lord mean to go this length; did he mean to refuse all negociation, although it might have the effect of producing an amicable settlement of the matter in dispute? The particular situation of the American government was worthy of peculiar attention, in reference to this part of the subject. That government was possessed of so little power, was so much weaker than in other states, that it could not do those acts of its own will, which in all other countries were performed by the executive body. Therefore, if you have any negociation with the American government, it must be, in a certain degree, through Congress, through the legislature of the state. The American President could not enter into the smallest agreement with any power, unless it was recognized, or conclude a treaty without its being ratified by two thirds of the Congress. You cannot, therefore, treat with America exactly as you do with other countries; for in her case, it is impossible to avoid having something of legislative enactment and interference. If the noble lord only understood the position in this defined and contracted view, that England was not to give up an important right, for the contingent legislative provision of another state; then he thought he was perfectly correct. For he would never bind down this country to a treaty with any nation in the world by which England should, even by implication, part with a valuable right for a promised legislative provision. But, if it were intended in a general and extensive sense, that no negociation would be entered into on the subject, then he disapproved entirely of the principle. For, when they came to negociate, it must be on this point, otherwise there never could be peace. They must go to discussion on the point or the war must be eternal.—The noble lord had touched on another subject, not exactly connected with this—namely, the conduct of the war. He said, the government were justified in the course they had pursued—that they were innocent at least, if not praise-worthy.—The right hon. gentleman said, he was not going to pronounce any sentence of positive condemnation against his Majesty's ministers; but this he would say, that all he had heard, and seen, and read, of their conduct, seemed to have contributed more to the continuance than to the termination of the contest. The noble lord said, he did not expect a favourable conclusion to the negociation. If he did not, had he not a right to have been prepared to prevent those triumphs which the Americans had gained at sea? Did the noble lord believe that those successes, accidental in a great degree,—(Hear, hear! from the Treasury Bench.)—"Aye!" said Mr. Ponsonby, "accidental, but not in the sense which the hon. gentlemen mean." Did the noble lord, he repeated, believe, that those successes would not have the effect of strengthening the war party in America? Would they not exult when they saw our frigates made the prize of their marine? The noble lord might tell the House, that our fleets were employed elsewhere. But when it was recollected that America had but three or four frigates, and about as many sloops on the ocean, when they considered that that was her whole force, was the noble lord prepared to say, that government were not able to afford such a force from the British navy, as might not only cope with, but sweep the petty fleet of America from the ocean? If this were the fact, then France had reduced our navy to a state of decrepitude, which, on his conscience, he had never believed possible.—Having delivered these sentiments, it might be supposed that he ought, consequently, to oppose the Address. He did not feel it so; and he would briefly state the motives which determined his conduct. He thought the present state of things was produced by a variety of irritating circumstances, and blameable conduct, on the part of both governments. Neither government was free from censure on this subject; and, he believed, there were many persons in America, anxious to carry the war further than they ought—to continue and keep up this spirit of discord between the two countries—therefore, he feared, that if he, or any great number of gentlemen were to oppose the Address, it would have the effect of encouraging those persons to make demands on this country, inconsistent with our rights, and which he, himself, thought the government ought not to grant. He was desirous not to have his conduct misunderstood: if he were

placed in a predicament either to vote for an Address which he did not entirely approve, but from an opposition to which great mischief was likely to ensue—his duty bade him prefer the former course. The noble lord might depend upon it that wherever he had any influence or weight, he would support his king and the just maritime rights of England. But he expected, from the noble lord and his colleagues, that they should be ready to meet the American government amicably, on the points which occasioned the war, and when an opportunity arrived, that they would, if possible, immediately put an end to it.

Mr. *Baring* said, he would not go into the subject of the Orders in Council. They were dead, and nothing need be offered to the House upon them. Neither would he enter upon the consideration of the Licence Trade, which had grown out of them, but was now abandoned, and given up as injurious to the country. He was aware the sentiments he was about to deliver were not very popular in that House; yet his sense of duty would not allow him to with-hold them. He then stated, that he did not believe the assertions of the noble lord were correct, that the American declaration of war was at all connected with the state of Russia and France, which had no influence on the American government. They looked little to European politics; and it was impossible to read the papers produced, and not see that the sole cause of the war was the Orders in Council. This was evident from one of the very last dispatches of the noble lord himself to Mr. Foster, which was to be communicated *in extenso* to the American government, and in which he was directed not to encourage the most distant expectations that these Orders were to be given up, while in fact they were repealed before the dispatch reached its destination. He would appeal to that hon. gentleman (Mr. Foster) who had fulfilled with so much ability the instructions he had received, and had now a seat in that House, whether it was not his opinion, from his knowledge of the sentiments of the American executive, that an earlier sacrifice of these Orders would have prevented hostilities? When war did ensue, it was true the Declaration did not set forth this point only, but recapitulated a great many other grievances, some of them old subjects of complaint, and others which perhaps might have been considered as settled. This, however, was always the case on such occasions, and such declarations were rarely confined to the sole point at issue. He had heard of a Spanish declaration of war, in which one of the grounds of offence was, that the English Secretary had received their ambassador in boots. Yet no one went so far as to pronounce this to be the cause of the war. On the subject of blockade, the government of both countries agreed in opinion. The subject of impressment was now the only obstacle in the way of peace, and a most important one it was. He felt strongly that the safety of the country would be very much endangered by a compromise of this right, or a surrender of the principle, unless some substitute could be devised, and he was also aware of the very great difficulty of such substitute being found. But Mr. Russell's proposal ought to have been rejected with expressions more conciliatory, and the door ought not to have been shut so abruptly upon negociation, with a phrase about maritime rights, such as there were always plenty of ready for use in the Secretary of State's Office. What was the state of the impressment? The noble lord said there were about 1,600 American seamen in our service, but had not noticed that there were 16,000 of our seamen, in the service of America: at least ten to one. He stated this to shew that it was even more for our own interest than for the interest of America to call for and court negociation upon the subject of an arrangement upon this point. To shew that we ought not to shut the door upon it, but look anxiously for a settlement. With respect to the American certificates, he narrated a fact which had happened within his own knowledge, which shewed that in this also it was for our benefit to entertain negociation rather than exclude it. In an American ship, in which he arrived at Portsmouth harbour from America, a person came on board to search for British seamen. All the crew produced certificates but one, who was carried off in the boat, upon which the American captain burst into a laugh, and said, "there, they have taken a man who was never before out of Pensylvania in his life, and who, thinking nobody could doubt it, did not take the precaution of procuring a certificate, and have left three fellows who have not been six months out of a man of war, but have been wiser in this respect." This proved, that if Ame-

rica did not call on us, it was our interest to call on America to come to a definitive and satisfactory arrangement on this head. Yet there being even 1,600 Americans in our navy, he conceived to be no captious ground of complaint to an independent state. What would we say, if 1,600 of our men were shut up for life in the service of America? Would it not be a good ground for calling on that power for redress? This was a matter not to be settled by a balance of population, nor ought it to be looked at in that way; on the contrary, it loudly called for a settlement, by negociation and amicable discussion, for the quiet and benefit of both countries. America, in calling for reparation, in his opinion, only did that which every independent country ought to do for itself, and all the proceedings of the noble lord (Castlereagh) which had a tendency to stop the treaty *in limine* were injurious to both nations. He doubted extremely whether an act of congress could amend the matter, but even if no plan could be devised, discussion ought to be allowed, to shew that the evil was without a remedy. It was true that the two oaths of identity might be evaded, they had proof that they often were evaded, but still they ought to see what could be done—and he thought that even discussion, though unsuccessful in the issue, might now, as in the case of lords Holland and Auckland, have done much towards a settlement of the question. The difficulty was not only as to who were, but what were American citizens, and although it might be very fine to say, no man could shake off his allegiance, yet when they knew that many men were naturalized in America, that principle must be departed from. Various regulations might be adopted to lessen the evil. He conceived it would be right to abstain from impressing on the American coasts, and that when persons were taken elsewhere, the ship in which they were should on its return to port make a return of their names to the American consul, in order that proper enquiry might be made. On the other hand, he asked, supposing America was at war with France, and this country at peace, would we consent to all our citizens being impressed who could not produce certificates? He agreed that no proposal had been made to government which they could accept; but contended, that a more conciliatory spirit should have been shewn, which would have gone far to induce America to put an end to the war. The hon. gentleman then adverted to the conduct of the war, which he condemned as not being sufficiently vigorous; which if it had been, it would have produced such a state of distress in America as would have led to an inclination for peace. The conduct of the war it could not be denied was intimately connected with the question of its continuance. All that had yet been done had a tendency to prolong the contest. The loss of our frigates, for instance, was a sore disappointment in this country, and might tend to the prolongation of hostilities on the part of America. Such circumstances strengthened the war party in that country and rendered the state of hostilities more popular than it would otherwise have been. Without going into detail, he would say that with 145,000 seamen (in spite of all that had been advanced by an official writer, who had maintained a news-paper controversy on the subject under the signature of Nereus), we ought to have blockaded the whole American force; for which there never was a coast more favourable than that of the United States. The Chesapeake and New York presented no obstacles to unremitted blockade; and the Delaware and Boston were equally assailable in this way, except for a short space during the winter months. He was sure no part of the coast of France presented such facilities. Government were not taken by surprise, and yet they had nothing on the seas to meet half a dozen American frigates.—(Hear, from ministers.) He did not know where the blame attached; they might throw it upon their officers, but he was sure censure was deserved somewhere. As for the excuse set up of our forces being so much employed elsewhere—these were military and not naval forces, and therefore furnished no excuse for inefficiency in the present instance. Of the latter we should have had a sufficiency disposable. In June the war commenced, and the American frigates cruized without interruption, till they assembled again altogether in Boston, whence commodore Rodgers sailed again with his squadron in the middle of October. There were also great complaints from the West Indies of the depredations committed by American privateers. For these things he censured ministers, but concluded by bestowing an unmixed tribute of applause on the sagacity and vigour displayed in the defence of Canada.

Mr. *F. T. H. Foster* (late ambassador

to the United States) declared he had at all times used his most zealous endeavours to promote peace and a good understanding between the countries, and he deeply regretted that the negociations had ended in hostility. There was one point in the speech of the hon. gentleman who last addressed them, which he felt called on to notice. The hon. gentleman had said, that if the Orders in Council had been repealed in time, hostilities would have been prevented. But, besides the Orders in Council, there were certainly various grievances dwelt on in a very odious manner by that country; (grievances many of which had been previously settled,) and other complaints raised about the conduct of the British legation, which he need not say to this House or this country were altogether unworthy of credit. They were the inventions of that party whose overwhelming influence was the source of all the differences between the countries. He was not therefore able to say that the revocation of the Orders in Council, previous to the commencement of hostilities, would have had the effect of averting them. Their repeal might have had some influence with the government, but he did not think the government was sufficiently master of the congress to be able to do what they might think most beneficial for the country. From the persons at the head of affairs, and from Mr. Monroe in particular, he had ever received the utmost civility and attention, and he believed there existed no indisposition on their parts to an amicable arrangement of all matters in dispute with Great Britain. He could not agree with the assertion of the hon. gentleman that there was no party in America friendly to France. The revolution had made a strong impression there, and numerous proselytes; and though the turn which affairs had taken in France might have detached the better part from them, they were yet a strong party. Nor were they the only party favourable to war, for there was also an Anti-Anglican party, who took every opportunity to embitter the feelings of the American people against this country, and foment hatred and animosity against us. The House might trace the workings of this inimical spirit, from a very early period. When we offered to renew the treaty of 1794, it was this spirit which caused that offer to be rejected, and the party who held it to be injurious prevailed against the other, although it had at its head the great Washington. Again, the Treaty of Limits, of 1803, was rejected by Mr. Jefferson, from the prevalence of the same persons and principles; and he traced this to shew the antipathy so long and uninterruptedly entertained by some of the Americans against this country. The treaty of 1806, concluded between Messrs. Pinckney and Monroe, and an administration in this country, supposed to be very favourable to them, was not ratified, from the same cause. But the strongest proof that the American government, influenced by this spirit, were ever desirous of keeping grievances alive, was to be found in the matter of the Chesapeake in 1807. The moment that unfortunate affair was known in this country, reparation was offered to be made, but all that could be done was unavailing; the President rejected every atonement, and without inquiry issued a proclamation to exclude British shipping from the ports of the American States, and continued to act upon it, refusing all offers to repair the injury done.

With respect to the Orders in Council, and the doctrine of blockade, he might notice, that at one time, when there was a probability of the former being rescinded, as appeared from the letter of the marquis Wellesley, so far was America from meeting it with a corresponding feeling, her government only seemed anxious to keep alive another excuse for the Non-importation Act, and for this purpose they drew from the dust, where it had lain for three years, the blockade of 1806, which had never before been complained of, and which, at the moment it passed, was not considered as injurious to the interests of the United States by their minister in this country. Mr. Pinckney was the first to produce this notable expedient. He wrote to know if that blockade still existed, and was answered by lord Wellesley, that it was comprised in the Order of 1807. Not satisfied with this, he again wrote for a more explicit declaration, and received a more particular reply in 1810. From this, the blockade was brought out as a stumbling block, and the American government well knew that we could not sacrifice the principle on which it was founded, without subverting our dearest rights; and yet they instructed Mr. Pinckney to demand not only the repeal of the Orders in Council, but the relinquishment of the blockades of 1806-7 as indispensible to pacific agreement.

Even up to the present period, they found America always anxious to keep alive something of ill-will and ferment; and why she went to war in 1812, rather than in 1809, it was impossible to say! Indeed, they had declared then (1809,) that they considered themselves entitled to go to war without notice; and had since so incessantly kept up the cry of the "wolf," that no one would believe they were in earnest till the war really took place. This strange disposition he assigned to the party politics and party spirit which prevailed, and with which America had more to do than with her foreign relations. Under Washington she was true to her own interests, and continued so while his influence subsisted, even after he had descended into the grave. Subsequently to this, however, his influence subsided and a new system ensued—the party at present in the controul of affairs obtained power, to the retention of which they had directed all their exertions ever since. For this they procured a majority in the representation, which, like their majority in the country, was fictitious. Their majority in the representation was founded on the slavish population, and this was well known to be a very great grievance to the Northern States, and the white people who inhabited them. But having got into power, this party were anxious to preserve it, which they did by creating new states, with new representatives of their own sort, and for senators, they had a return of them from the desert districts of the South. There were, he rejoiced to say, many men of honour, worth, and talents, in America, who were an honour to that or any other country. Witness, for example, the distinguished and celebrated orators of Virginia.

But, generally speaking, they were not a people we should be proud to acknowledge as our relations. He did not mean any disparagement to the native Americans, but alluded to the very numerous emigrants from Europe, among whom, he was sorry to say, those from the sister island were conspicuous, and there were no fewer than six United Irishmen in the American congress, remarkable for their inveterate hostility to this country, for the war with which they had all voted. With the exception of the capital, where men were well informed and sensible, the mass of the inhabitants of Pensylvania were ignorant and boorish in their manners. But in the Northern States, an Englishman might travel with pride and pleasure; finding there, men endowed with uncommon affection for their country, and also with a natural affection for that country which was their parent stock. It was in that quarter, in New England, where they were most affected by the Orders in Council and the blockade; for out of 1,124,000, the whole tonnage of America, their share amounted to four-sevenths; and yet all to the north of Hudson's there was no cry against these Orders, but the cry was raised in the middle states which possessed a very small proportion of shipping. But for this cry raised in parts not at all affected by the naval grievance, the differences between the countries might have been settled. Whether the difference as to impressment could be settled, he was not aware, but this he could state—after the war had been declared a few days, he had a conversation with the American ministers, in which that subject was not mentioned as a paramount consideration, but in the usual way as a minor grievance, while the Orders in Council were held forth as the only great and ostensible obstacles to peace. Little did he think, that after their repeal, America, with so many inducements to be at peace, would continue at war. But he doubted the strength of the government to carry a beneficial and pacific measure against the party with many heads, who had determined on war. This party was indeed a singular one, so constituted, and so various in argument and action, that it was never possible to anticipate what would be their course in either. It was impossible to form an opinion of their future actions by any data of their part. At the beginning of the winter in December, when the Federal went over to the deluding party in a great body, war seemed inevitable; but then the matter ended in the production of six resolutions, of which only one was of a warlike nature, and that simply defensive for arming the merchantmen. When all this menacing attitude was relinquished, it was clear they were only engaged in a puerile attempt to frighten Great Britain. And who could have believed that after all this they would have gone to war, when they thereby exposed a commerce of 108 millions of dollars in exportation; when 600 sail of vessels which had sailed, after the embargo was taken off, for Spain, Portugal, the East Indies, &c. were

risked; when their whole naval force consisted of four frigates (the Constitution was not then finished;) when 1,000 recruits were all that were reported to be efficient for the regular army; when one thousand five hundred miles of coast was exposed to the greatest naval power in the world; when they were unable to raise a loan of about two millions and a quarter sterling, and their whole finances were in a state of unproductiveness; could he suppose, that under such circumstances they would go to war? The language of congress might be one thing, but the interests of the country were another. The government were hurried into hostilities by a party they could not guide or controul, though evidently most injurious and dangerous to the interests of the country. The war was carried in congress by that rancorous faction against the English, who persuaded others to join them on this occasion, for fear a difference might break up the democratic party; and in the senate the war measure was carried by the opponents of government, who were desirous of making them unpopular. The repeal of the Orders in Council might therefore have had no effect; and in truth the reports circulated relative to stirring up the Indians, was as great a cause of the war as any of its promoters had devised.

Mr. *Whitbread* expressed himself obliged to the hon. gentleman who had just sat down for the statement he had made, as it was in his power to give an account of matters which no one else could have done. At the same time he observed that there were several parts of the hon. member's speech, which it was difficult to reconcile with each other, or with statements formerly made in that House. It was a matter of much consolation to him to have heard from the hon. gentleman, that neither Mr. Monroe nor Mr. Madison, seemed to him to be actuated solely by a spirit of hostility towards this country. From this there was some reason to hope, that a conciliatory disposition on the part of the ministers of this country, might yet lead to an adjustment of the existing differences between the countries without any further loss of time. For himself, although he differed from those who considered the American government as being wholly to blame in producing the war that now unhappily existed between the two countries, he could not but rejoice in that part of the hon. member's speech which exculpated the person at the head of the American executive, from having hurried that nation into a war. He had been much and liberally reviled by the noble lord and others for his attachment to the politics of France, but it now appeared that war had been produced by causes beyond his controul. He wished, however, that one part of the hon. member's speech had been omitted, it was that part which merely contained his opinions of persons and motives, and a history of the state of parties among the people of America. As it was not likely to lead to conciliation, it would, in his opinion, have been much better, had it been altogether omitted. Such speculations upon parties in any country were subject to much error, for it was not possible always to catch the principles that guided the desultory proceeding of such assemblies as those of America, and which, as they would go forth to the world, could not have a very conciliating effect. He remembered that some of those friends with whom he acted, and some who were now dead, but in whose steps he had trod from the commencement of his political life, and he hoped he should tread in them to the end of it, had been much reviled in and out of that House, for speeches which they uttered, and which, it was said, were more likely to produce a war with America than any of those questions that were in discussion. Yet surely the course which had been arraigned in them was now followed by the hon. member on the other side. He did not, indeed, attribute much to the inferences drawn by the hon. gentleman as to what passed in the American senate, for all such inferences, attempted to be deduced from the motives that actuated a public assembly, were peculiarly fallacious. For his own part, he should abstain from any remarks on the personal character or views of men who had been elected to a representative assembly in another state. He did not wonder at the hon. gentleman's inability to follow the American government through all the changes and diversities of their policy, and to anticipate the issue of their various legislative proceedings. Such changes were not peculiar to America. To recur, for example, to our own proceedings, who could have anticipated the events that marked the close of the last session of the last parliament? In the course of that session (21st of April) it was loudly proclaimed that the Orders in Council would never be repealed but upon

certain conditions, then distinctly mentioned; yet the noble lord, who first talked of suspension, at last consented to a revocation, upon the pretext of a contemptible paper fabricated by France to answer her own political purposes, and as flimsy as that paper which was made the ground of the policy of the government. The hon. gentleman had expressed his surprise that America, particularly after submitting to all the injuries and indignities of that system which commenced in 1807, should with a commerce so increasing, and a navy so contemptible, tempt the strength and resentment of Great Britain. Yet the noble lord took no blame to himself for that insult which the British flag had sustained. He felt no compunction in the contemplation of that rebuff which our seamen had received, for the first time, from the American navy—that contemptible navy of four frigates, which had captured two of our finest frigates. This was, indeed, an event to be deplored, it was long since English seamen had experienced a rebuff; but the influence which it produced on the minds of the American people in reconciling them to the war, he considered as a still more important and disastrous effect. Those triumphs had rivetted their affections to the war—all parties were elated with them, though all parties might not be agreed upon the prosecution of hostilities. Still, however, he did not mean to vote against the Address, though he did not concur in every thing that it expressed; because it pledged the House only to a vigorous prosecution of the war, and all wars when once entered into ought to be vigorously prosecuted—because he considered it as the duty of every Englishman to support the government by every means in his power in a war, when once it was declared; and because the Address recommended at the same time as speedy a termination of the contest, as the honour and the interests of the country would admit.

Certainly he could not consider America as being wholly to blame in the production of the war. But in ascribing to the conduct of our own government the existing rupture between the two countries, he was justified by a review of the history and progress of the preceding negociations. What were the circumstances in which America was placed previously to war's being declared? The House would remember the Declaration of the Prince Regent, on the 21st April, stating, that nothing but the unequivocal and absolute revocation of the Berlin and Milan Decrees, could induce the British government to rescind the Orders in Council. From the moment that Declaration reached America, she must have considered negociation as hopeless, and have made up her mind to war. The paper produced by Mr. Russell was but a pretext on the part of our government for revoking the Orders in Council: for that paper was not satisfactory upon all the grounds set forth in the Declaration of the Prince Regent: it did not contain the general and unconditional revocation required. But the real cause of our repeal of these obnoxious Orders, was well known here and in America. The real cause was the distresses of the country, exhibited, as they were proved at the bar of that House. Could America, however, suppose that we were actuated by a spirit of conciliation?—Certainly not; and that revocation came too late to prevent the evil it was intended to stop. He had the opinion of the chairman of the House of Representatives, that the law passed by Congress was adequately satisfied by the revocation of those Orders: and had it taken place at an earlier period, war might probably have been avoided. But the suspension, reserving a right to re-enforce, naturally gave offence, and was in itself perfectly nugatory. America was not eager for war.—After all the insults she had endured from this country, she still remained at peace, and he trusted reconciliation was still practicable. The war was the most difficult to make of any that history has recorded. It cost five years to produce; and now it was produced, he feared it would be most difficult to end. With regard to the subject of impressment, he did not mean to vindicate the American government; but yet, when he considered the multitudinous commanders we had upon the ocean, it was impossible not to suspect that this right was sometimes exercised in a manner no less injurious to England than vexatious to America. He could discover on their part no sign of intemperance except perhaps in representing now the subject of impressment as the principal cause of war. This was perhaps going too far, still it could not be denied that it was a real grievance to an independent state. He knew that the blockade of 1806 had excited much jealousy and alarm, and that Mr. Monroe had remonstrated against it. Mr. Fox, however, in whom the American go-

vernment and every other foreign cabinet had the fullest confidence, clearly demonstrated the perfect conformity of that blockade to all the principles of international laws. The question of impressment was then canvassed, and had the councils of this country remained under the guidance of the same men, a different result would probably have followed. Mr. Pinckney was, indeed, then instructed to sign no treaty without an express stipulation on this head, and when it was considered, however respectfully he wished to speak of British officers, that we had numerous commanders all exercising an unlimited power in this respect, it was obvious that abuses must take place, and that the soreness which America felt was the natural effect of those abuses. As to what had been said by the noble lord about certificates, and the horrid perjuries and frauds to which they led, (equalled only by the perjuries and frauds committed under our licence system) it did not appear that they were, in any shape, the acts of the government, but of one individual, who might possibly act from himself without any connection with the government of America. If it appeared that the noble lord had remonstrated, and the remonstrance had produced no effect, the case would then stand upon a different footing. Much had been said about the naturalization of subjects British born, or of denationalizing them, to adopt the French expression introduced by the noble lord. But this was a practice not altogether peculiar to America, and consequently the more difficult of adjustment. There were two acts upon our statute books, by which every foreigner who served two years in any vessel, military or merchant, was entitled to every protection of a natural subject of this realm. One of these statutes was the 6th Anne, 20th clause. Now, how did the case stand under this Act? He apprehended, if an American had served two years in our navy, and the vessel in which he sailed were boarded by an American who claimed that individual, he would be entitled to the protection of this country, and the government would have a right to refuse his being given up. It appeared then that we ourselves acted on a still broader principle than America, for the Act required no oath, or any thing more than a simple statement of the fact of service. Why then quarrel with America for doing that which we ourselves had a law for doing? It required a residence of six years in America to give a person the right of citizenship, while we could take all her subjects by a service of only two years in our navy. In whatever way, however, the question might be decided, he certainly saw no objection to a discussion of it, with a view to an amicable adjustment; and in that he agreed with his right hon. friend (Mr. Ponsonby), that even during the continuance of war, and the actual exercise of the right, his Majesty's government might negociate with the American government, and he should certainly conceive that the noble lord would be greatly to blame if he did not endeavour even now to open a negociation on the subject.

He could not help expressing his strong reprehension of the attempts which had been made to attribute the line which America had pursued, to the effects of French influence, and to insinuate that she had basely seized that moment when the power of France, antecedent to the attack on Russia, had arrived at the very *acme* of perfection, and at a moment when the total overthrow of the hopes of enslaved Europe was anticipated, to declare war against England. It was false and calumnious to assert that America had ever determined in favour of France. She had been ill treated by both belligerents, and after enduring a protracted series of injuries, although she had resolved on a war with England after these aggravated insults she had received, although she had declared against us she had not declared for France. (Hear, hear, from ministers.) Was it necessary for the information of the old, or even of the young members of the House, to recapitulate those insults, to quote the various enactments by which American ships were compelled to pay toll on entering British ports?—If truth must be spoken, he would say that America had always been in the right, (Hear, hear!) until, by the declaration of war she had changed her situation, and of this advantage he hoped Great Britain would avail herself. He wished never again to hear it stated, that the conduct of the American executive had been guided by any motives but those of American policy; and if our policy were truly English, the road to conciliation was plain and open. He should sit down in the fervent wish, that the opportunity of conciliation now offered would not be neglected. (Mr. Stephen offered to rise.)

He did not wonder at the impatience of the hon. and learned gentleman, and considering the part he had taken in previous debates, it was not more difficult to anticipate the arguments he would now employ, than to recollect those he had previously used. The Orders in Council had gone through no stage of life without his paternal regards and advice, and only at their death was his presence wanting. Excessive grief at that awful moment restrained him from being present at the premature dissolution of his darling child; but if any other cause induced him to be absent on that melancholy occasion, Mr. Whitbread hoped that he would this night not fail to explain it to the House.

Persuaded was he, that America was actuated by no such motives as had been alledged, and that she was aggravated and compelled by this country to pursue the course she had. America in her conduct towards this country, up to the last period, was right, but in her declaration of war she was wrong. There she gave the advantage to Great Britain; and he trusted this advantage would be used on our part with wisdom and discretion, and that the opportunity which he conceived was afforded for an adjustment of all difference would not be lost. In conclusion, the hon. gentleman expressed a strong hope that means might be taken, in the present disposition of America, for establishing lasting terms of amity and good will towards this country.

Mr. Canning and Mr. Stephen rose together; a general wish being expressed by the House, that the former should proceed, the latter gave way, and

Mr. *Canning* addressed the House nearly as follows:

I should not have persisted, Sir, in claiming the attention of the House in opposition to the learned gentleman to whom personal allusions have just been made, had not my opinions also been called in question in more than one sense, at an earlier period of the debate. I have been asked, from two different, indeed opposite quarters, whether I still persist in the opinions which I formerly stated on the subject of America. Those opinions were of two descriptions; the one relating to the justice of the war into which the United States have thought proper to plunge us, the other to the management of that war on our part. I retain both. But the noble lord has very properly said, that the main question, indeed the only question for deliberation and decision to night, is, whether we will uphold by our votes the justice of the cause of our country, laying aside all dispute upon the less important point of the practical management of the war. And agreeing with the noble lord in this view of our present, and most pressing duty; agreeing that our first object must be to inform our new enemy that we, the parliament of the British empire, think our country in the right, and that we are determined to stand by the executive government in maintaining that right against any power that may venture to dispute it, and thinking at the same time that any very anxious or angry discussion as to the vigour and effect with which the cause of the country has hitherto been maintained by the executive government might, if it impaired the unanimity of this vote, detract from its weight and consideration with the government and people of the United States of America, I confess that I am glad to postpone all such details, however important they may be in other views of the subject, or however fit for separate discussion hereafter; and I shall be much less solicitous to examine this night the conduct of administration since the war has began, than to vindicate the principles on which this and preceding administrations have acted in the transactions from which the war has sprung, and to establish those upon which it must be maintained, and upon which alone it can be concluded with safety and with honour.

The hon. gentleman who spoke last, observed at the outset of his speech, with regret, mingled with some consolation, that the differences with the United States were now reduced to a single point, and he recommended that the negociations should be revived with a view to an amicable conclusion on that point. I agree with the hon. gentleman that the grounds of dispute are ostensibly so much narrowed that if a negociation could be set on foot, which should have regard merely to the true interests of the republic of the United States, and should not be disturbed and diverted from its course by the influence of those passions by which its government has been agitated, then, indeed, we might hope for conciliation and tranquillity; but I cannot concur with him, either that the point in dispute is of such easy settlement; complicated as it has been in the course of the negociations with national feelings and animosi-

ties. Still less do I think that so prompt a solution of the difficulty, as he seems to reckon upon, is afforded by his construction of the English Act of Parliament to which he has referred. If indeed the true meaning and intent of the statute of Anne were to give to foreign sailors, entering and serving on board the British navy, not only all those privileges here, but all that protection against their natural sovereigns and native governments, which the United States both claim the right of conferring, and in practice attempt to confer upon British sailors seduced, or deserting, into their service, then I admit that this country would have to make to America an equal concession for an equal infringement of national rights; and that as there would have been a parity in the infringement, there could be no difficulty in a parity of concession. Neither government could in that case have had any thing to reproach to the other: and instead of a question of violation of the law of nations on the one side, and of forcible and summary self-redress on the other, the whole matter would be one of mutual acknowledgment, as to the past, and of conventional arrangement for the future. There would be no difference of principle; and the point in dispute would be settled only on grounds of reciprocal convenience. But I acknowledge that my construction of the act of Anne was altogether different (Hear, hear!). I understood that by it this country professed to give that only which it is competent to bestow, without interfering in any degree with the rights or claims of other powers; that it imparted to foreigners on certain conditions certain municipal privileges; but leaves untouched and unimpaired their native allegiance. (Hear, hear!) The operation of this Act, as I understood it, before the hon. gentleman's commentary, was not to hold out to foreign seamen, that at the same time that they may become entitled to possess or to inherit property, and to participate in all the blessings of the British constitution, all the ties which bind them to their native country are loosened: not to assert that by any service to a foreign state he can relieve himself from that indelible allegiance which he owes to the government under which he was born. The enactments of this statute are a testimony of national gratitude to brave men of whatever country who may lend their aid in fighting the battles of Great Britain: but not an invitation to them to abandon the cause of their own country when it may want their aid; not an encouragement to them to deny or to undervalue the sacred and indestructible duty which they owe to their own sovereign, and to their native soil. (Hear, hear!) Such being the real intention of the Act, what similitude, what analogy can be drawn between it and the pretensions of America? In the papers upon the table of the House it is asserted by our enemies, that British seamen once enrolled in the American service become the seamen of the United States of America, and the government of that country declares that it must protect them against the claims of their undoubted sovereign, even when he on their allegiance demands their service in war; in the present war for instance, which he is unwillingly compelled to wage. Taking the converse of the hon. gentleman's proposition, then, I should say that if the American government would adopt such a provision as that quoted by the hon. gentleman from the Act of queen Anne, in that case, if all differences were not instantly and altogether removed, at least the question in dispute would be greatly and advantageously narrowed.

But, coupled with the inordinate and unheard-of rights of citizenship which the United States pretend to confer, to the annihilation of the claims of nativity and allegiance, the practical abuses of which we have also a right to complain, in seducing or harbouring our seamen, even independently of the principles and pretensions by which they are defended, would be of themselves matter of serious grievance. Were these principles and pretensions once fairly given up indeed, the road would be opened to the discussion of the practice. It would be open to consider whether any adequate security could be provided by diplomatic arrangement, and municipal regulation, against a grievance which it is impossible that we should tolerate; such as should supercede the necessity of that summary and effectual method of doing ourselves justice; which we cannot relinquish, till some satisfactory substitute is found for it: but the exercise of which, it must be admitted, may be liable to some abuse or irregularity. Now, on a fair perusal of the documents I find nothing which proves any disposition in the English ministry, to shut the door against a consideration of that important question. The fact is, that different modes of entering upon the sub-

ject have been suggested, but there is one preliminary demand on the part of America, which it is absurd to suppose that we could comply with. We are by ancient and unquestioned usage, and by the law of nations, as they are now understood, in the possession of the right of search. It has been, and is, of ancient and uninterrupted usage. It is proposed by both parties that a discussion should be commenced as to the more unexceptionable mode of exercising this right; but what does the American executive insist upon? That we should first abandon it, and trust for its restoration to the result of the negociation. We are required to trust to an act to be hereafter passed by the American legislature for the restoration of this right, or for the provision of an equivalent. Can any thing be more manifestly absurd and unjust? Is not the natural course not by the law of nations only, but by the rules of common sense, that we should retain that which we rightfully possess until the equivalent for which it is to be exchanged shall be fully discussed, and satisfactorily ascertained? The hon. gentleman says, that it will cost us a war to maintain the possession of it. I wish to ask him what wars would it not cost us to regain possession if it were once resigned? (Hear, hear!) At least, maintaining our right, we are safe until force compel us to resign it.

I am sure that gentlemen, upon reflection, must see, the proposed compromise is at least attended with difficulties which, if not absolutely insuperable, are extremely hard to be surmounted. The appointment of a tribunal similar to a prize court, as suggested by an hon. gentleman (Mr. Baring) in this debate, approaches nearest to my ideas of possibility; but is this likely to be found practicable or palatable to America, if the proposal of it should come from this country? Were it suggested by America, it might perhaps produce some beneficial result; but if proposed by Great Britain, would it not be repelled with indignation? Would America bear to see her citizens made subjects of judicature, like bales of contraband goods? Would she endure that a judge of our appointment should settle the fate of her natives, as we assign chattels to the right owner? Or would not such a proposal instead of tending to the settlement of differences, and the extinction of animosities, be employed by the demagogues on the other side of the Atlantic to inflame the public mind, to exasperate the jealousies and hatreds of the enemies of Great Britain, and to make all amicable arrangement utterly hopeless?

I have, however, as I have said, no objection, and the British government has not shewn any, throughout the correspondence now under our consideration, to any attempt to make the exercise of this right the subject of diplomatic arrangement, provided the principle of the right itself be unequivocally acknowledged; provided the suspension, or tacit abandonment of it be not expected to precede the substitution, of some other effectual mode of securing the objects to which it applies; and provided it be distinctly understood that, failing the attempt to effect that substitution our right, and the practice of it are to continue not only unimpaired, but thenceforth unquestioned. The dispute relating to the impressment (as it is termed) or rather the recall of our own seamen, is not however as the hon. gentleman admits, the only point to be adjusted, before we can return to a good understanding with the United States. The American government also requires the renunciation of the system and principle of what they call paper blockades; that is to say, of the right which we claim and have exercised under the Orders in Council of 1807, and should, I trust exercise again, if again occasion arose for it, of retorting upon the enemy any attempt which he may make to wound us through the sides, or by the instrumentality of neutrals. With respect to blockades, the hon. gentleman has appealed to my recollection, whether the blockade of 1806 did not stand on different principles from those of 1807? The hon. gentleman is perfectly correct. The Order of 1806 established, or professed to establish, a blockade upon the old principles, by the application of a specific and competent force to particular ports. In January 1807, an Order was issued professedly of a retaliatory character. The Order of 1806 merged in it. What had intervened between the Order of May 1806, and that of January 1807? The French Berlin Decree. In retaliation, and avowedly in retaliation for that Decree, the Order of January 1807 was issued; doing away the strict legal blockade, and instituting what has been and may justly be described as a constructive blockade, not supported by an adequate specific force, but excluding neutrals from the coasting trade of the enemy by a prohibition retaliatory of that sweeping pro-

hibition of the Berlin Decree by which they were precluded from all trade with Great Britain. The Orders of November, 1807, extended the operation of the Order of January: but did not vary its principle. I have no wish to revive the differences which the hon. gentleman and I have so often discussed upon that subject, but I am equally prepared to contend now, as four years ago, that though there was some difference in degree between the Orders of November and that of January 1807, there was no difference in the principle; and certainly the hon. gentleman must own that the Americans have made no such distinction in their remonstrances.

The Orders in Council however both of January and November were abandoned: wisely or not, there is now no advantage in enquiring;—with little chance of satisfying America, as I thought at the time, and as must now be manifest to all mankind: and for this plain reason that the American government was not to be satisfied. They had an itch for war with this country, and they were determined to have it. Although therefore these are the only two points on which any practical discussion is pending, I cannot agree that they only entered the minds of the American executive when they declared war (for be it always remembered, that the war originated in *their* Declaration.) The spirit of animosity to this country indeed was not confined to the persons forming the cabinet of the United States; the gall of bitterness not only overflowed in Washington, but at the very court of London. The notes of the republican Chargé d'Affaires, Mr. Russell, contain abundant evidence not only of the predetermination to war, but of the real motives of that policy. In the month of August, he, with warning voice, pointed out to ministers the consequences of hostility; he told them "if concessions are not speedily made, the passions of the inhabitants of the United States will be roused, and conquests may be gained on terms that forbid restoration." When this sentence was penned, had not Mr. Russell Canada before his eyes? Was he not in the transport of his visions of success betraying incautiously the secrets of his employers, which were not to be divulged till the promulgation of the Declaration? [Hear! hear! hear!] Low as he was in the rank of diplomacy, he was intrusted with this grand and favourite design; and it is impossible for any man not to see from the commencement to the termination of all the proceedings of the government of the United States, an eager desire to gain possession of our North American territories: a plan long cherished, and not wholly, I fear, repugnant to the sentiments even of that party in the United States whom it is usual to designate as our friends. Even when their whole military establishment was 1,000 men, the American government and its partizans loudly proclaimed their sanguine hopes of victory in an expedition against British America, and delighted their fancies by imaginary conquests. I say, that even those who are called our friends in the United States are not averse from this enterprize, and would be won by the acquisition of Canada to the support and approbation of the war. But I use the expression "friends of this country"—as I do that of friends of France,—not as implying on the one hand a British influence, nor on the other hand imputing an actual conscious subserviency to Buonaparté: (though it must be owned that for the latter imputation there are appearances of but too probable grounds:) but simply as designating the two parties in the United States who respectively think the interests of their country best consulted, the one by a British, the other by a French connection.

And here I must confess that the censure of the hon. gentleman (Mr. Whitbread) upon that part of the noble lord's (lord Castlereagh's) speech which referred to the period chosen by the American government for declaring war, appears to me exceedingly ill-founded. The noble lord's remarks upon that subject did not appear to me unjust or unnecessary. Looking at the present state of the world, who shall say what America might not have achieved? Not by mixing in the contest, and involving herself in the complicated relations of European politics; (for I have never wished to see America involved in the war,) but merely by abstaining from the course which she has unfortunately taken, by refusing to administer to the passions, to flatter the hatred of the tyrant, to afford him that new hope of victory, and that consolation in defeat, which he boasts of deriving, from the diversion of our means, and the distraction of our efforts by the Amecan war? [Hear, hear!]—What assistance might she not have rendered to the late glorious struggle in the north, not by active concert, but merely in forbearing to aid Buonaparté's arms by

partly occupying ours? Who would have expected to have seen this favourite child of freedom leagued with the oppressor of the world?—[Hear, hear, hear!]—She who, twenty years ago, shed her blood for independence—she that, ever since that time, has boasted of the superiority of her citizens above all the nations of the globe—she that, watched over in her infancy by Great Britain, with parental tenderness and anxiety, nursed in the very lap of liberty, and educated in the school of republicanism, is now seen truckling to France, and condescending to become the tool of an ambition which threatens to lay prostrate at its feet the independence of every government, and of every people! Is this the same nation that we once remember to have heard shouting for emancipation? Is this the people that was to set an example of magnanimity to the world? I can scarcely believe it: I would willingly persuade myself that I am deceived; but facts cannot be discredited, and I behold the free republic of America lending her aid to crush those principles to which she owes her own existence, and to support the most desolating tyranny that ever afflicted the race of man.—[Hear, hear!]—It is impossible not to lament the loss to such a nation, of such an opportunity, which no combination of circumstances can ever restore. I do not say, that America should have been induced to assist us against France. I would not have asked her to risk her tender and unconfirmed existence in a war, and to endure all the dangers or to incur all the expences that must have ensued from her taking part in such an enterprize. She might have maintained a just and noble neutrality. But were it put to me indeed as matter of opinion,—supposing (what I do not suppose) that she could not avoid deciding one way or other, and that the risk of war on one side must be run,—which would best become her history, her character, and her constitution, to unite with England or to league with France;—I should not have hesitated in my determination. There was a time when I hoped that her choice, under such an alternative, would have required little deliberation; but though I should have applauded her option in such a case, I would not have forced nor even have solicited it. She was welcome to be neuter, could she but have persuaded herself to be impartial.

There is still something imposing in the name of a republic. The veneration for that form of government is, even in this monarchical country, interwoven with our earliest impressions of honour, of liberty, and of virtue. But, I fear, that in the republic of America we look for the realization of our visions of republican virtue in vain. The sacred love of freedom, displayed in the annals of Greece and Rome, "made ambition virtue," and consecrated even the weapons of the conqueror. The modern republics of Europe polished mankind by their industry, and their arts. But I am afraid that neither the hardy valour, the ardent patriotism, and the lofty magnanimity of ancient Greece and Rome, nor the gentle manners and artificial refinements of Genoa or Florence, are to be traced in the hard features of transatlantic democracy. (Hear, hear, hear!) Would it were otherwise. The heartless and selfish policy pursued by America will lead her far astray from her real interest. The first consequence of it will be, the loss of much internal prosperity, and I am much deceived if she will compensate this loss by the acquisition of much military glory.

The hon. gentleman (Mr. Foster) describes 1,000 soldiers, four or five frigates, to guard an extent of coast of 1,500 miles, and a revenue of only two millions and a half of dollars, I think, or thereabouts, as the means, physical and pecuniary, of which the United States were in possession, when they declared war against this country. Undoubtedly no man could hear the statement without exclaiming, "And could a nation so circumstanced venture upon a war with the mighty empire of Great Britain, with the most distant prospect of success?" Unluckily it did. The unwelcome truth cannot be concealed. Two out of these four or five frigates have captured two frigates from the British navy. I advert with unwillingness to this part of the subject, because, in my opinion (an opinion before expressed and still retained) vigorous measures becoming this great nation might have averted disasters which may have the effect of prolonging hostilities. It is no answer to say, that our navy is immense, but that it is proportionably extended on the different stations. I complain not of the naval department, but of the policy which controuled its operations. I complain that the arm which should have launched the thunderbolt, was occupied in guiding the pen: that admiral Warren was busied in negociating, when he ought to have been sinking, burning, and destroying. Admiral

Warren sails from this country in the middle of August, and on the 27th of September he reaches Hallifax with his squadron, where he employs himself in writing dispatches to the American government; while commodore Rogers, on the 10th of October, sails unmolested from Boston. But we waited, it seems, to be quite sure that we were actually at war? Granted, for argument's sake (for no other purpose could I consent to grant it) that in the first instance there might be not full conviction of the certainty of war; but even after the American Declaration was received in the end of July, no hostile measure was resorted to by this country till the 14th of October, when letters of marque were issued, upon the receipt here of the intelligence (and as might be not unfairly suspected, in consequence of that intelligence) that the Guerriere frigate had been captured by the Americans.—What is the next advance towards actual war? The blockade of the Chesapeake, and the Order in Council announcing that blockade was issued; when?—the day after the arrival of the intelligence that the Macedonian, another of our frigates, had fallen into the power of the republic. The loss of these two fine ships of war, produced a sensation in the country scarcely to be equalled by the most violent convulsion of nature. I do not attribute the slightest blame to our gallant sailors; they always do their duty; but neither can I agree with those who complain of the shock of consternation throughout Great Britain, as having been greater than the occasion justified; who would represent the loss as insignificant, and the feelings of shame and indignation occasioned by it as exaggerated and extravagant. That indignation was a wholesome feeling which ought to be cherished and maintained. It cannot be too deeply felt that the sacred spell of the invincibility of the British navy was broken by those unfortunate captures: and however speedily we must all wish the war to terminate, I hope I shall not be considered as sanguinary and unfeeling when I express my devout wish that it may not be concluded before we have re-established the character of our naval superiority, and smothered in victories the disasters which we have now to lament, and to which we are so little habituated.

Sir, I entered on these points reluctantly on the present occasion. Other occasions will arise for their discussion. I hasten to quit them. But having been expressly called upon to declare if I retained the sentiments which I before expressed upon the conduct of the war, I felt bound in fairness not to decline the avowal that my opinion not only remains unaltered, but has received additional confirmation from subsequent events. If it be true (as I believe it to be) in general that indecision and delay are the parents of failure; that they take every possible chance of detriment to the cause in which they are employed, and afford every advantage and encouragement to the adversary; it was peculiarly true in the present instance, that promptitude and vigour afforded at once the surest pledge of success in the war, and the only hope of averting it altogether. If, while the elections were pending the result of which was to place Mr. Madison, the arch-enemy of this country, in the president's chair, a decisive blow had been struck by this country, the tide of popular opinion in America might have been turned, and the consequences of a long and ruinous war might have been avoided. I lament for the general happiness of mankind that no such vigorous exertion was attempted, and though I am not disposed to unnecessary cruelties, nor would countenance the wanton effusion of human blood, yet I cannot help thinking that if some signal act of vengeance had been inflicted on any part of the United States, exposed to maritime attack, but particularly on any portion of their territory where there prevailed the greatest attachment to the interests of France, it would have at least been a useful warning, and might have prevented the continuance of the contest, if they had not prevented its commencement. I protest against the doctrine of half-measures, and forbearance in war: for where vigour has a tendency to decide the contest, hesitation is cruelty. But with those topics I have done.

Whatever may be the result of the contest, after the declaration issued by the United States, this country will stand right in the eyes of the world and of posterity. Nay, it is not paradoxical to say that we shall stand right, at no distant time, in the eyes even of our enemies in the United States; for by a singular anomaly, upon the issue of this struggle in which America is attempting to cripple our resources, depends not only the independence of Europe, but perhaps ultimately, the freedom of America herself.

Mr. *Croker* said, the right hon. gentleman who spoke last, had expressed deep regret at the neglect of the government, in not inflicting a terrible chastisement upon their American foes, immediately following the commencement of hostilities. A few plain facts which he would submit to the House might help the right hon. gentleman to understand the naval operations of Britain on the American coast more distinctly, and show him that his statement had partly proceeded from imperfect information. As soon as the discussions in America began to take a serious turn, which he conceived happened during the month of May last, the British government sent orders to their naval officers, not couched in doubtful terms, but in the plain good old English style, that as the American government had assumed a menacing attitude, they should put in force their standing orders to sink, burn, and destroy their enemy's ships. These orders had been issued on the 9th of May last. They had never been revoked, but had been in force, were in force, and were acted upon as they had been given, without any drag-chain upon them. On the very day that the Americans had declared war against Great Britain, commodore Rodgers put to sea, although it was supposed he had not received any instructions from his government to that effect. In a few days a British squadron was sent in pursuit of commodore Rodgers and his fleet, at an earlier time than could have been expected. The British admiral wisely thought that some blow was aimed at the commerce of this country; he therefore went to protect the West India fleet. It proved that he was right in supposition, for while protecting the West India fleet, he fell in with commodore Rodgers, gave him chace, and immediately bore down to give him battle, and had he thought proper to stand an engagement, the war would have commenced with one of those brilliant achievements which the right hon. gentleman had so strongly recommended; but very unluckily he made his escape. The Guerriere had gone to sea in company with the Africa, 74, from which ship she was separated in a gale of wind; immediately after which she fell in with the American frigate of superior size, by whom she was most unfortunately taken.—When the hon. gentleman (Mr. Whitbread) had said, that admiral Warren had remained in Halifax, he was right, for although all the ships, even the admiral's flag ship, had been sent to sea, that officer was himself detained by urgent business relative to negociations with the American government. His own knowledge was so limited that he was not competent to judge whether the arrangements which had been made by sir John Warren were or were not judicious; but from the high character of that officer, he was inclined to think that they were most judicious. It was certain that the officer had a sufficient force at his disposal; and he trusted that the details of the service would shew that the force had been properly disposed. When sir John Warren, he repeated, went to the American station, having arrangements to make concerning the province of Canada and other objects, he remained for some time, it was true, in harbour at Halifax. But did his ships remain there? No; not even his flag-ship, as he hoisted his flag in some small ship in the harbour. He had no mitigatory orders, and whether or no the disposition he made of his force was, as he (Mr. C.) supposed it was, good, the government could incur neither merit nor blame on account of it. An hon. gentleman opposite (Mr. Baring) had said that Chesapeake, Delaware, Boston, and New York, should have been blockaded. This, with regard to the two first of these harbours, was certainly practicable. But in the case of the two last it was not possible, in the opinion not only of British officers, but also of Commodore Rodgers, Captains Hull, Bainbridge, and other American seamen. Commodore Rodgers shewed this, as he had constantly endeavoured, with great risk, to get out of the Chesapeake, and to get into either of the two other ports. The right hon. gentleman had said, that the moment the news arrived of the loss of the Macedonian, the Chesapeake was shut up by a paper blockade. The right hon. gentleman had forgot that the same wind which brought intelligence of the loss of the Macedonian, also conveyed this news, that the Chesapeake was blockaded; and the very same post which brought that news, also mentioned an unpleasant report of the loss of the Poictiers, which ship had been two months blockading that harbour. The reason why this blockade had not been notified was in order to avoid the charge of a paper blockade. The whole question had latterly turned upon the right of impressment; and on this subject the hon. gentleman opposite had taken up the opi-

nion of Mr. Monroe, and quoted his expression, which was, that "we naturalized foreign seamen into our service analogously to the manner in which the Americans naturalized our seamen into theirs." It was needless for him to say any thing in refutation of that opinion, or of the argument founded by the hon. gentleman upon the statute of Anne, that two years service of foreign seamen in our ships gave them similar privileges, as the right hon. gentleman (Mr. Canning) had completely proved that there was no analogy between the cases of the two countries. All that he should add to the matter so eloquently expounded by the right hon. gentleman would be as to the practice of the Admiralty. In his own professional duty, he had every day occasion to discharge foreigners who had been two years in the British navy; and although they were discharged as foreigners, yet at that very moment, if they applied to the Admiralty, to assist them in recovering payment of any debts, their names were given in to the attorney as British subjects. Mr. Monroe had said, that there was no regulation in Great Britain for preventing the impressing of foreigners. This was a gross mistake; for there was such a regulation. There did exist regulations against impressing foreigners, and in case of a foreigner's entering into the navy, though the Admiralty would not grant his discharge at his own request, yet they never refused it to the consul of his nation, as they considered that his allegiance, which was due to his country, could not be avoided by any act of his own. It often happened, as he had said, that to these seamen sums of money were due for pay or prize, which they had made over to crimps or Jews; and the Admiralty desired their solicitor to sue these persons for that money as due to a British subject, by the same stroke of the pen with which they restored them to their native country's service. They were, in fact, considered as having two countries,—the voluntary service of the one being looked upon as unable to debar the natural allegiance to the other. And yet Mr. Monroe asserted that we impressed American seamen and kept them! Whereas, an American certificate of citizenship had, in spite of all the abuses which were known to be practised upon such documents, been always respected by the Admiralty. As to the frauds which were committed in the forging of certificates, the noble lord had mentioned one instance, and the hon. gentleman opposite had asked for more. It was needless to multiply instances, as the matter was so notorious. It was carried on in Philadelphia to a great extent. This abuse was recognized by the American government, for although there was such damning proof against them, they still persisted. Not long since, a certificate had been presented by a mulatto, in which he was described as a person of fair complexion with light eyes. In another case, a certificate was presented at the Admiralty, only five days after the date on which it was purported to have been signed at New York and backed by the American consul at this port, Mr. Beazley. This was not an abuse of petty clerks; it was, he repeated, an act recognised by the American government. He mentioned that it had been proved that an American consul at London, of the name of Lyman, had sold a certificate to a man for a guinea, and had told him he could give as good a protection as any in England for that sum. When this was known at the Admiralty, a letter was written to Mr. Lyman, saying that no more of his certificates would be received. To this letter Mr. Lyman sent an angry reply, in which he expressed his confidence that he would meet with the support of the American government; but he (Mr. Croker) had never heard whether Mr. Lyman had carried his representation to the foot of the presidential throne. The hon. gentleman then went on to explain the circumstances which led to the letter from Mr. Monroe to Mr. Foster on the 8th of June last, on the subject of the Americans enticing British seamen into their service. These circumstances were as follows:—A cartel (the Gleaner) was sent from England with conciliatory propositions to the American government. The officer who commanded this vessel was ordered not to allow any of the seamen to land; notwithstanding which the Americans enticed so many of the English sailors to enter their service, that there was a danger of the vessel not being able to return with dispatches, for want of a sufficient number of men to navigate her. Mr. Foster having written to the American government, and having stated on evidence that 28 of these English sailors were on board the American frigate Constitution, Mr. Monroe replied to his letter, and stated, that the fact of these seamen being on board the American frigate could not

be admitted on the evidence which he (Mr. Foster) had given; and this because it was against the laws of the United States to admit English seamen on board of an American ship; that these seamen might probably have become American citizens, in which case no difference was admitted between citizens by birth and citizens by naturalization. This was a case of such enormity, and the nature of the American doctrines were so fully shewn, that it was needless for him to offer any comments upon it. He had risen to say, that there had been no order from the British government to confine the operations of their fleets. Thank God! that House was about to join unanimously on that night in a measure which would do much to teach the Americans a lesson which would probably induce them to bring the war to a speedy termination. Their unanimity on that occasion, would show to France and to America, that they had nothing to hope from divisions in the British councils. It was far from his desire to intrude on the time of the House, or to say any thing that could prevent the question being carried unanimously, for it would do more than any thing that had occurred, to shew the Americans, that when our vital interests were threatened, they would go hand in hand to defend them, however they might differ in their political opinions.

After a few words from Mr. Rose junior and Mr. W. Smith,

Lord *Castlereagh* briefly replied, and stated, that letters of marque had been issued in consequence of the failure of the attempt to conclude an armistice by admiral Sawyer and sir G. Prevost.

The question was then put and carried *nem. con.*

HOUSE OF LORDS.

Friday, February 19.

ROMAN CATHOLICS.] Lord *Kenyon* moved for a Return of those Roman Catholics who, during the last ten years, had taken the Oaths, and subscribed the Declaration prescribed by the 31st Geo. 3. His lordship observed, that the Catholics having stated as a reason why further indulgences should be granted to them, their having numerously taken the Oaths and subscribed the Declaration, he wished to ascertain the number who had so done, not with any disposition to question their loyalty, believing that his Majesty had not a more loyal class of subjects, but for the purpose of information.

Lord *Holland* suggested the propriety of extending the motion to Ireland, with respect to the oaths taken under the 33d Geo. 3. He wished to know also whether the object of the noble lord's motion was a return of those who had taken the oaths with a view to a qualification, or those who had voluntarily taken them?

Lord *Kenyon* had no objection to the motion suggested respecting Ireland. His present object was a return of those who had spontaneously taken the oaths.

The Earl of *Radnor* observed, that the returns were made to the privy council, and suggested therefore an alteration in the motion.

Lord *Redesdale* read the clause in the Act by which the returns were to be made to the privy council previous to the 25th of December in each year, and observed that chiefly those Catholics took the oaths who possessed property, or who, for other purposes, sought the qualification which the taking the oaths conferred.

The motion was then agreed to.

HOUSE OF COMMONS.

Friday, February 19.

PETITION OF WINE MERCHANTS, CORRESPONDENTS OF THE ROYAL WINE COMPANY OF OPORTO.] A Petition of several wine merchants in Great Britain, correspondents of the Royal Wine Company of Oporto, was presented and read; setting forth,

"That a Petition was presented at the close of the last session of parliament to the House, by certain persons calling themselves "late members of the factory at Oporto," the intent of which Petition was to obtain the abolition of the Royal Wine Company's charter, through the interference of the House, under the pretence that the said Company was an establishment whose tendency and intention was, "the exclusion of his Majesty's subjects from the traffic in the wines of Portugal," and that in consequence of this Petition an application has been sent out from the British government to the Portuguese government at Rio Janeiro and Lisbon, for the relieving the British traders in Portugal from the operation of all the privileges of the Royal Wine Company, that are incompatible with the free and unrestricted trade and commerce carried on by British

subjects in the kingdom of Portugal, in conformity with the stipulations of the 25th article of the said treaty; and that the petitioners have every reason to fear, that if this application is deemed, in the present situation of the two countries, to be equivalent to a demand of the abolition of the Company's charter, or of any regulations which would render it nugatory, and is acted upon in that view, under an idea that the subject has been fully investigated in this country, that the immediate consequence will be, the inundating of Great Britain with artificial compositions under the denomination of red port, and to materially injure the commerce, navigation, and revenue, of both countries; and that, to enforce their request, the said Petition appeared to contain an opinion of the lords of the Board of Trade in their favour; but that, on the petitioners applying to the said board for the grounds on which such opinion had been given, the petitioners were informed that the opinion alluded to was given about fifty years ago, and that there was not any documents to shew the grounds of it, or upon what investigation it had been founded; from this answer, as also from other documents, the petitioners have reason to believe that this opinion of the lords of trade was the result of *ex parte* statements, given at the first establishment of the Company, and before its beneficial effects could be felt; and that if this evidence could be produced, it would be found to be the result of disappointed interests and unfounded fears, and not of an investigation of facts, as the petitioners are unable to ascertain that either the Company, or any of its correspondents, were ever called upon to answer any statement against them before such answer was given; and that notwithstanding the heavy complaints made by those petitioners of the grievances and annoyances to which they are subject, and in language which would lead the House to suppose that they had lately arisen, and had annihilated the British wine trade in Portugal, it is a certain fact, that no new restraints have been adopted or acted upon, and those which are the subject of complaint were established to prevent British merchants at Oporto from purchasing such wines as were, before 1756, used to adulterate port wine to such a deterioration of its quality, as caused it to be pronounced in England, by the physicians, injurious to health; and the petitioners are able to prove that the Company was established, and the restraints enforced, solely for the purpose of preventing the ruin of the trade by the adulteration of the wines; and that the petitioners observe, that it is stated that the average importation, for a series of former years, paying duty, has been 50,000 pipes; the petitioners, on the contrary, are satisfied that it will appear that the largest series of importations, and those owing to peculiar circumstances, was from 1797 to 1806, when the annual importation, for ten years, was only 47,152, and even from this should be deducted the average annual exportation of 2,208 pipes, which leaves but 44,944 for duty on consumption, and even that this amount is far greater than has ever been annually consumed in Great Britain; and that the importation of 18,378 pipes only, in 1811, was not owing to the prices of the wines being increased by the monopoly of the Wine Company, and to the petitioners not being able to prevent it, in consequence of their having been driven from Oporto, but arose from the large demands for wine for the consumption of the army in Portugal, and more particularly from the large surplus stock of wine in the bonds of Great Britain, from the excess of importation over consumption in the above ten years, and that therefore the revenue has not been injured by the smallness of this importation, there being at the end of the year 1812, after a still smaller importation, about 50,000 pipes in the bonds ready to pay duty, if there was a necessity from consumption to take it out; and that the petitioners have reason, from evidence, to believe, that if the charter of the royal Wine Company be taken away, the greater part of the wines from Oporto would be mixed with thin acid wines, which would afterwards be brought by brandy, elderberry juice, and other intoxicating ingredients, to an artificial strength and colour, such having been the practice before the establishment of the Company, and such practice having, as the petitioners have before stated, decreased its sales; and that the Royal Wine Company was first established in 1756, for twenty years, and has had its charter twice renewed in consequence of the benefits it has produced; that in 1747, ten years before the establishment of the Company, 19,420 pipes only were exported from Oporto; in 1754 this quantity decreased to 13,820; in 1755 it further decreased to 12,869 pipes; and in 1756, the year the Company was first established, it was reduced to 12,111

pipes; but that, in the year 1757, immediately after the establishment of the Company, it increased to 12,488 pipes, and has ever since continued gradually to increase; so that, though in the ten years prior to the Company's charter there was exported from Oporto only 166,609 pipes of port, yet, in the first ten years after their charter, there was exported from Oporto 166,130, in the second 214,601, in the third 244,744, in the fourth 432,340, in the fifth 471,500; and that the British merchants and the British shipping receive the benefits of this importation, the Royal Wine Company never having exported to Great Britain more than 5,000 pipes in any one year prior to the invasion of Portugal; and the excess of exportations by the Company, since that period, has been to serve some of those who now petition for the abolition of the Company, without whose assistance they could not have kept their trade together; and that the petitioners are satisfied that they are able to prove, upon any candid enquiry into facts, that the Royal Wine Company's charter is not productive of any restriction or hindrance to the free commerce of British merchants, but that, on the contrary, the existence of the Company and its controul over the making of the wines, and all their regulations as heretofore and at present enforced, is essential to the protection of the trade itself; and that the petitioners have no wish to support any monopoly or privileges injurious to the British merchant, and are wholly ignorant that any such exist; they have in vain endeavoured to ascertain upon what facts those who complain, in this country, assert that any restrictions which have been established by the Company have proved injurious to the merchant or the wine trade in general, or what particular privileges of the Company are objected to, as those who complain have not stated them here or in Portugal; that no specific charges are preferred which can be met either by argument or proof, and merely general assertions of monopoly and restrictions; and that the petitioners are most anxious for an opportunity of meeting any charges which may be brought forward against the conduct of the Port Wine Company, being satisfied that the result of such investigation will completely prove, that the privileges of the Company and their superintendence has proved most beneficial, and is essential to the preservation and prosperity of the port wine trade; and praying the House to take the premises into their consideration, and to grant such relief to the petitioners as to the House may seem meet; and that the petitioners may, in case the same should become necessary, or be deemed fit by the House, be heard by themselves or their counsel, agents, and witnesses, in proof of the allegations submitted by them to the House."

Ordered to lie upon the table.

PETITION RESPECTING THE EAST INDIA COMPANY, FROM THE SOCIETY IN SCOTLAND FOR PROPAGATING CHRISTIAN KNOWLEDGE.] Mr. Wilberforce presented a Petition from the Society in Scotland for propagating Christian knowledge; setting forth,

"That the society was incorporated in the year 1709, by a charter from her majesty queen Anne, for the farther promoting of Christian knowledge and increase of piety and virtue within Scotland, especially in the Highlands, Islands, and remote corners thereof, and for propagating the same in Popish and infidel parts of the world; and that since that time, in consequence of the donations and bequests of pious and benevolent persons, the funds of the society have increased to a considerable amount, and have been faithfully applied to the purposes of the charter, agreeably to the will of the donors; and that the labours of the society, by means of their teachers, catechists, and missionaries, have, it is well known, been attended with great success in the education of youth, in furthering the interests of religion and virtue, and in diffusing, both in Scotland and America, the blessings of civilization and industry, subordination to lawful authority, and attachment to the constitution and government of the British empire; and that it appears to the petitioners, that the exertions of the society can no where be employed more agreeably to the object of the royal charter, or with greater prospect of success, than in those territories and provinces in India which now form a part of his Majesty's dominions; and that, while the natives of those countries have long been and still continue in a state of deplorable ignorance, and addicted to various idolatrous and superstitious usages of the most degrading and horrible description, many of our own countrymen, members of the church of Scotland, employed in the different civil and military departments in India, are

precluded from enjoying the ordinances of Christianity agreeably to the forms of the Church to which they are attached; and that, while the situation of India, destitute of the means of religious instruction, has long presented the most urgent claims to the humanity of Britons and of Christians, the restrictions to which the intercourse with those countries has hitherto been subjected, have prevented attempts for affording them the relief which the exigencies of their situation so imperiously required; and praying the House to take into consideration the facts which have been stated in this Petition, and to provide, in any Bill that may be passed for renewing the East India Company's charter, that it shall be lawful for the petitioners to impart the benefits of Christianity to the natives of India, and to afford the advantages of religious worship and instruction to our countrymen members of the church of Scotland, who may reside in that part of the British empire, subject always to such salutary regulations as parliament in its wisdom shall judge it necessary to establish."

Ordered to lie on the table.

Petitions against the Claims of the Roman Catholics were presented from the inhabitants of the county of Sligo, the archdeacon and clergy of Bedford, and from the bailiffs, burgesses and other inhabitants of Carnarvon. A Petition in favour of the Claims of the Roman Catholics was presented from the mayor, recorder and inhabitants of Wallingford.

ADMIRALTY REGISTRAR'S BILL.] Mr. *Henry Martin* rose, pursuant to notice, to move for leave to bring in a Bill relative to the office of the Registrar of the Admiralty. In the brief observations which he intended to make, it would be sufficient to observe, that a great part of the proceeds arose from the money of suitors in the Admiralty Court. It was not the intention of the Bill to interfere with the legitimate fees of the office. It appeared from documents on their table, that the average annual sum which was solely employed for the benefit of the noble lord (Arden) who now held the situation of Registrar, was 200,000*l.* and for which no security was taken. It had been conceded last session, by a late right hon. gentleman, who was certainly interested in the profits of the office, for the reversion of it was vested in him, he meant Mr. Perceval, that the situation required to be regulated, and indeed he proposed to regulate it much more extensively than it was the object of the present Bill to do, which merely went to assimilate the practice of the court of Admiralty, in securing suitors' money, to the practice of the high court of Chancery. The hon. and learned member concluded by moving for leave to bring in a Bill to regulate the office of Registrar of the High Court of Admiralty and the Court of Appeals for Prizes.

Lord *Castlereagh* said, that he certainly should not oppose the Bill in that stage of it, but that if it should prove to be a similar one to that brought in last session, he should feel himself compelled to oppose it in every part of its progress.—Leave was then given to bring in the Bill.

HOUSE OF LORDS.

Monday, February 22.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] The bishop of Chester presented a Petition from the inhabitants of Chester against the Catholic Claims.—Lord Kenyon presented a Petition to the same effect from the gentry, clergy, freeholders, and other inhabitants of the county of Denbigh, which his lordship stated was agreed to at a county meeting, with only one dissentient voice, that of a person who read a letter from an hon. baronet, the member for the county, whose opinions were hostile to the object of the Petition. His lordship also presented a similar Petition from the county of Merioneth.—Viscount Bulkeley presented a similar Petition from the county of Carnarvon. Ordered to lie on the table; as were also a Petition from Worcester, presented by the earl of Coventry, and a Petition from the inhabitants of Exeter, also against the Catholic Claims, presented by lord Rolle.—The earl of Radnor presented two Petitions to the same effect, one from the corporation and the other from the inhabitants of Salisbury.—The noble earl then presented another Petition to the same effect, from Wallingford, which his lordship stated to be signed by four out of six aldermen, 13 out of 18 assistants, the clergy of the three parishes, the ministers of three dissenting congregations, all the traders of the town, and a majority of the voters.—Lord Holland presented a Petition from Wallingford in favour of the Catholic Claims, which his lordship stated to be signed by the mayor, the recorder, and several respectable persons.

Lord *Sheffield* presented a Petition from the inhabitants of Lewes and its neighbourhood, which his lordship stated to be signed by upwards of 4,000 persons, including many dissenters.

The Duke of *Norfolk* wished to know what means had been employed to obtain the signatures, no public meeting having been held?

Lord *Sheffield* said, he had the Petition from lord Chichester, who was unable to attend, and who had stated to him, the facts which he had now mentioned.

The Marquis of *Headfort* presented a Petition from the Protestants of the county of Meath against the Catholic Claims, stating, that he dissented from the prayer of the Petition.

The Marquis of *Lansdowne* stated, that a Petition would, he understood, shortly arrive, signed by a majority of the property and respectability of the county of Meath, in favour of the Catholic Claims.

The Earl of *Kingston* presented a Petition from the Protestants of the county of Sligo against the Catholic Claims. His lordship took the opportunity of stating, that he had previously voted for going into a committee on the Catholic Claims, but the recent conduct of the Catholics, in openly avowing that they would consent to no securities, had rendered him hostile to their Claims. His lordship then read part of one of the Resolutions of the Catholic meeting at Kilkenny, in order to prove the determination they had expressed, not to consent to any arrangement for securities to the Protestant establishment.

The Marquis of *Lansdowne* deprecated the idea of treating with the Catholics as with an independent power. It was for the legislature to consider their claims, and make such enactments as to its wisdom should seem meet, and it was for the Catholics as subjects to obey. He could not, therefore, see any reason why the noble earl should have altered his opinion on the policy of the measure, merely because certain resolutions had been passed by some Catholics in some part of a county in Ireland.

The Earl of *Kingston* also presented a Petition to the same effect from the Protestants of the county of Tipperary, which was read.

Lord *Holland* did not mean to object to its lying on the table; but he thought these Petitions making allegations against the Catholics were scarcely regular, when no Petition from any part of that body had yet been presented for the purpose of urging any claims.

Lord *Redesdale* observed, that the proceedings of the Catholics for the purpose of urging their claims were notorious; that they had been published in all the newspapers of Ireland; and productions, avowedly by their authority, had been published, in which their claims had been set forth.

The Duke of *Norfolk* lamented the tone of these Petitions, which he thought would only lead to corresponding acrimony on the part of the Catholics.

The Earl of *Charleville* presented a Petition from the gentlemen, clergy, &c. of the county and town of Carlow. His lordship stated, that although the prayer of the Petition was inimical to the unrestricted claims of the Catholics, yet its tenor breathed a spirit of toleration and conciliation suitable to the subject; at the same time submitting to their lordships the necessity of guarding against such concessions as might endanger our Protestant constitution.—Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, February 22.

Petitions respecting the Claims of the Roman Catholics.] Petitions against the Claims of the Roman Catholics were presented from the archdeacon and clergy of Bucks, the archdeacon of Northampton and clergy of Peterborough, from Mr. Vivian, from the mayor, &c. of Penzance, the inhabitants of Monaghan, the gentlemen, clergy and freeholders of Merioneth, from Mr. Wilson, from the inhabitants and freeholders of Fermanagh, the mayor, &c. of New Sarum, the mayor, &c. of Drogheda, the inhabitants of Exeter, the gentlemen, clergy, &c. of Carnarvon, the Protestants, &c. of Westmeath, and the mayor, &c. of Appleby.—Petitions were also presented from Mr. Mac Donnell a Roman Catholic, and from the Roman Catholics of Tyrone.

Petitions respecting the Renewal of the East India Company's Charter.] Petitions, respecting the renewal of the East India Company's charter were presented from the borough of Elgin, the merchants of Newcastle upon Tyne, the lord provost, &c. of Perth, the clothiers, &c. of Gloucester, the London rope makers, the inhabitants of South Molton, and the

setters and calenderers of the East India Company.

Petition of the East India Company for the Renewal of their Charter.] A Petition of the united company of merchants of England trading to the East Indies was presented and read; setting forth,

"That the petitioners, in approaching the House with an application for a continuance of the system by which the relation between Great Britain and the East Indies is now regulated, hope they may be permitted to state the outlines of the history of the establishment of the petitioners, as well as their present situation as to their property and rights, their functions and obligations; and that the first adventurers in a trade from England to the East Indies, by the way of the Cape of Good Hope, were incorporated by queen Elizabeth, by her royal letters patent, bearing date the 31st day of December 1601, by the stile of "The governor and company of merchants of London trading into the East Indies," to whom, by the same instrument, the exclusive right of trading to that country was granted by her said majesty for a term of 15 years from Christmas then last past; and that the corporate capacity of the said governor and company of merchants of London trading into the East Indies, with the privilege of the exclusive trade, was renewed revived and confirmed to them in perpetuity by several charters or letters patent, granted respectively by king James the 1st, king Charles the 2nd, king James the 2nd, and king William and queen Mary, subject nevertheless to a provision, that, if the continuance of any of their charters, in the whole or in part, should not be profitable to the realm, that upon three years warning to be given to the said company, all the said charters should cease determine and be void; and that the said governor and company were empowered by their charters to establish factories and settlements in the East Indies, to have the government of such factories and settlements, and to appoint governors with a judicial power to equip and maintain military forces by sea and land for the defence of their settlements, with the power of making peace and war with any princes or people who were not Christians, within any places of their trade, to make reprisals from those persons, in those parts, from whom they should sustain any loss or injury, to erect castles, fortifications, forts, and garrisons, and also to coin Indian money; and that, by virtue of these powers, the said governor and company made settlements, and built forts and factories, at different places in the East Indies, at a very great expense, which settlements, forts, and factories, with some territory annexed to them, were purchased from the native princes of the countries within their limits; the sovereignty remained with their respective chiefs, but the immediate government of those acquisitions was exercised by the company under the powers which are before mentioned to have been granted to them by charter; and the said company made also a settlement in the island of Saint Helena, on its being abandoned by the Dutch, about the year 1651; and that the property and sovereignty in and over the port and island of Bombay having been ceded by the king of Portugal to king Charles the 2nd, as part of the dowry of the infanta of Portugal on her marriage with king Charles, his said majesty by his royal letters patent, bearing date the 27th day of March 1669, granted and conveyed unto the said governor and company, their successors and assigns, the property thereof, with all the rights profits territories and appurtenances, and constituted them the true and absolute lords and proprietors of the port and island, in the most unlimited manner, saving to his majesty his heirs and succesors, his royal sovereignty of and over the inhabitants there; but his majesty granted the authority of immediate civil and military government of the place to the company; and Saint Helena having been taken from the said company by the Dutch in the war of 1674, was re-taken by a force belonging to king Charles the 2nd, who, by his royal letters patent bearing date the 16th day of December 1674, re-granted that island, with all the rights, profits, territories, and appurtenances whatsoever, unto the said governor and company, their successors and assigns, and his majesty constituted them the true and absolute lords and proprietors thereof, saving the allegiance due to his majesty, his heirs and successors; and the said charter contained powers and authorities for the government and defence of the said island; and that, by an act of parliament passed in the 9th year of king William the 3rd, for raising a sum of two millions by loan for the public service, it was enacted, that all the subscribers to the said loan should

be intitled to traffic and use the trade of merchandize in such places, and by such ways and passages as were then already frequented found out or discovered, or which thereafter should be found out or discovered, and as they severally should esteem to be fittest or best for them, in to and from the East Indies, in the countries and parts of Asia and Africa, and in to and from the islands ports havens cities creeks towns and places of Asia, Africa, and America, or any of them, beyond the Cape of Bona Esperanza to the Streights of Magellan, where any trade or traffic of merchandize was or might be used or had, and to and from every of them: and, by the said act, his majesty was empowered to incorporate any of the subscribers who should desire to trade with a joint stock; and it was enacted, that at any time, upon three years notice, after the 29th day of September 1711, upon repayment by parliament of the said sum of two millions, or such part thereof as should be advanced, all the corporations to be created in pursuance of that act, and the benefit of trade thereby given, should absolutely cease and determine; and it was enacted that all such persons as should have a right of trading by virtue of that act, should have the sole and exclusive trade within the limits before-mentioned; and that the said sum of two millions was subscribed within the time limited by the said act; and thereupon, by a charter bearing date the 5th day of September 1698, his said majesty was pleased to incorporate the larger part of the subscribers to the said loan, by the stile of "The English company trading to the East Indies;" and, by the said charter, powers of making settlements, and governing them, and maintaining military forces for their defence, were granted to the English company, similar to those which are before stated to have been granted to the old company, since distinguished by the appellation of the London company; the sovereign right, power, and dominion, over all the settlements to be made, being reserved to his said majesty; and that the above act of parliament and charter would have operated to have extinguished and determined the corporate capacity and privileges of the London company, but the act contained a provision that they should have liberty to trade till the 29th of September 1701, and the London company having subscribed the sum of 315,000*l.* towards the sum of 2,000,000*l.* to be raised, became entitled to trade in respect of it; and therefore, by an act of parliament passed in the 12th year of king William the 3rd, their corporate capacity was continued to them, subject, nevertheless, to be determined upon the redemption of the fund established by the said act of the 9th of his said majesty's reign; and that the said English company acquired and settled several factories in the East Indies, at a very large expense; and that, previous to the erection of the English company, the London company had carried on their trade with the East Indies in competition with the Portuguese and Dutch and French companies, and also in competition with unlicensed adventurers from Great Britain who traded there, notwithstanding the exclusive grants which the London company was in possession of, and which unlicensed adventurers, at times, acquired considerable ascendency amongst the native powers, and, after the incorporation of the English company, they became also competitors in the said trade; and that no European nation having then acquired any considerable territorial dominion, the whole of the trade by Europeans was carried on entirely at the despotic will and sufferance of the native princes of the Mogul empire; the government and officers of which almost constantly showed their favour and protection to such of the competitors from whom they could obtain the largest presents; and in proportion as they protected one of them, they oppressed the others; as an instance of which, the petitioners show, that the servants of the English company in India, by means of corrupt influence with the ministers and servants of the Mogul, procured all the principal officers and members of the presidency of the London company at Surat, then the chief seat of their trade in India, to be imprisoned for several seasons, and wholly to interrupt their commercial transactions; and that the London company and the English company, finding, that if their competition had continued, ruin must have ensued to both, agreed, about the year 1702, to unite together: the union was effected by force of two several indentures, dated respectively the 22d day of July 1702, one being an indenture tripartite, made between her late majesty queen Anne of the first part, the said London company of the second part, and the said English company of the third part; and the other

being an indenture quinquepartite, made between the said London company of the first part, the said English company of the second part, and certain persons, trustees of property belonging to the London company, of the third, fourth, and fifth parts, and by force of an act of parliament, passed in the 6th year of the reign of queen Anne, and of an award of the earl of Godolphin, the lord high treasurer of Great Britain, dated the 29th day of September 1708; and that by the terms of the union, all the property and rights belonging to both companies, at home and abroad, including the settlements, forts, factories, and territories, which they had acquired as is above stated, were valued, and, in consideration of the value of the property of the London company being paid or allowed in account to them, they, by proper legal instruments, transferred and made over all their property to the English company, and the English company were allowed, in account, the value of their property; and the property and rights of both companies were thenceforth vested in them, for the benefit of the united concern; and the London company having completed the transfer of its property, surrendered its corporate capacity; and from thenceforth the English company took the stile of "The united company of merchants of England trading to the East Indies;" which is now the stile of the petitioners; and that the petitioners crave leave to draw the attention of the House to some part of the subjects of which the property of the petitioners consisted at the time of the union of the two companies in 1702, and which they derived by transfer from them, with the cognizance and sanction of her majesty queen Anne, and of the parliament; amongst other things, the petitioners were then entitled to and possessed of the islands of Bombay and Saint Helena, the sovereignty of which was vested in the crown of Great Britain; they were entitled to and possessed of the factories of Surat, Swally, Broach, Amadavad, Agra, and Lucknow: on the coast of Malabar, they were entitled to and possessed of the forts of Carwar, Tellicherry, and Angengo, and the factory of Callicut: on the coast of Coromandel they were entitled to and possessed of Fort St. George, with the castle, fortifications, and territory thereto belonging, on which a large city called Madras was built, the houses of which belonged to and paid rent to the petitioners; Fort Saint David, being a strong fort and factory, and about three miles compass of the circumjacent country, on which several small towns and villages were erected; the factories of Codolore, Porto Novo, Pettipolee, Madapollam, and the fort and factory of Vizagapatam: in Bengal, the petitioners were entitled to and possessed of Fort William and the town of Calcutta, with a large territory thereto belonging; the factories of Ballasore, Cossimbuzar, Dacca, Hughly, Maulda, Rajamaul, and Patna, and all these possessions were subject to the sovereignty of the great mogul: on the island of Sumatra, the petitioners were entitled to and possessed of York Fort at Bencoolen, and a factory with a territory of about five miles thereto belonging, and a factory at Indrapore; and that, after the union of the two companies, the petitioners conducted themselves so as to conciliate and acquire the confidence of the natives of India, and for a considerable period of time they had no occasion to use the right which they enjoyed of maintaining a military force, except for purposes little beyond those of police, and as guards of their fortifications against surprize; but near the middle of the last century it became necessary for the petitioners to enlarge their military force, and to exercise the power of war, and of making political engagements with some of the native powers, to support the British interests in India, and in order to counteract the intrigues of the French, who had become auxiliaries to other native powers, with the design of driving the petitioners out of the East Indies, and of excluding the British nation wholly from Asiatic commerce; but by means of the forces raised and maintained by the petitioners, and at their sole expence, the petitioners completely defeated those objects; so that, at the conclusion of the war which ended in the year 1763, the French were left without one single settlement, and almost without influence, in any part of Asia; and that, in the year 1757, the nabob of Bengal permitted the petitioners to establish a mint at Calcutta; and in the same year the said nabob made over to the petitioners the property in certain lands in Bengal, generally called the twenty-four purgunhas, and the saltpetre lands of the whole province of Bahar; and in the year 1758, the petitioners obtained a grant from the said nabob for the free tenure of the town of Calcutta, discharged

from the rent to which, to that time, it had been subject; in the year 1759, the soubah of the Decan made over to the petitioners the whole of the circar of Masulipatam, with eight districts, as well as the circar of Nizampatam and the districts of Condavir and Wacalmanner; in the year 1763, the nabob of Arcot made over to the petitioners several districts of land surrounding Madras, which lands have since been called the jaghire of the petitioners; and such transfer was confirmed in the year 1765 by the said nabob, and also by the great mogul; in the year 1764, the mogul made over to the petitioners the country of Gauze Poor and the rest of the zemindary of rajah Bulwant Sing; in the year 1765, the great mogul granted to the petitioners the country called the Northern Circars; and in the following year such grant was acceded to by the soubah; and in the year 1765, the great mogul appointed the petitioners, in perpetuity, to the office of dewan of the provinces of Bengal, Bahar, and Orissa, such appointment being made as a free gift; and by virtue of such grant the petitioners, in the execution of the office, acquired the right of collection of all the revenues of the said provinces, for their own use, free from any account thereof to be rendered; and that the petitioners crave leave to remark, that no part of the property in any of the forts, factories, or territories, which became vested in the petitioners at the time of the union of the two companies, nor any of the territories nor rights lastly hereinbefore mentioned to have been granted to the petitioners, were acquired by conquest, but by purchase, by means of pecuniary payments, or by services rendered to, or other good considerations moving the grantors; and that, about the year 1767, a claim was made on the part of the public to the beneficial interest in the territorial acquisitions and revenues then lately obtained there, and thereupon agreements have been made from time to time that the possession of such acquisitions and revenues should remain with the petitioners, upon a participation of the profit of the revenue between the public and the petitioners, as mentioned in several acts of parliament made and passed at different times since 1767, without prejudice to the claims of the public or of the petitioners; and that, previous to the year 1773, the government of the settlements and acquisitions in India was conducted under the uncontrouled direction of the petitioners, by virtue of the powers of government which they derived from their charters; but, ever since the year 1773, the mode of the immediate government of India has been regulated by parliament; and from that time to the year 1784, in pursuance of directions of acts of parliament, the lords commissioners of his Majesty's treasury, and one of his Majesty's principal secretaries of state, in their several departments, were made acquainted with the correspondence and orders sent to and received from India by the petitioners, in any way relating to the management of the revenue, or civil or military affairs and government of the petitioners in that country; and from the year 1784 to the present time, all acts, operations and concerns, which in any ways have related to or concerned the civil or military government or revenues of the territories and acquisitions in the East Indies, have been placed under the superintendence and controul of certain commissioners appointed by his Majesty, in pursuance of acts of parliament passed for that purpose; and the petitioners have been restrained from giving any orders or directions relative thereto, without the concurrence of the said commissioners; and in cases in which the said commissioners have been of opinion that the subject matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, communicated in orders to any of the governments in India, have been of a nature to require secrecy, such orders have been sent through the medium of a secret committee of three of the court of directors of the petitioners, according to the provisions in that case made by parliament, without any privity of the petitioners, or of their court of directors, and without any discretionary authority on the part of the members of such secret committee; and that, between the period when such claim as herein before mentioned was first made, on the part of the public, to the territorial acquisitions in the East Indies, and the year 1793, a further acquisition of territory was made in India; and that the term heretofore granted to the petitioners in the exclusive trade to the East Indies, being about to be redeemed in the year 1794, an act of parliament was made and passed in the 33d year of his present majesty, whereby it was enacted, amongst many other things, that

the territorial acquisitions in certain former acts mentioned, together with the territorial acquisitions then lately obtained in the East Indies, with the revenues thereof respectively, should continue in the possession of the petitioners during the further term by that act granted in the said exclusive trade; and that the petitioners should have the exclusive trade within the limits mentioned in the said act of parliament passed in the 9th year of king William the 3rd, subject nevertheless to such right of trading as is thereby given to individuals, to be carried on in the manner therein mentioned, and subject to a proviso to determine such right at any time, upon three years notice to be given by parliament, after the 1st day of March 1811, upon the expiration of the said three years, and upon payment made to the petitioners of any sum or sums which, under the provisions of any act of that session of parliament, should or might, upon the expiration of the said three years, become payable to the petitioners by the public, according to the true intent and meaning of such act; but it was enacted, that nothing in that proviso, or in any proviso in the said act in the 9th year of king William the 3rd, in the said charter of the 5th of September, in the 10th year of his reign, or in any other act or charter, should extend to determine the corporation of the petitioners; and, by the said act, certain appropriations were made of all the profits arising from the territorial acquisitions and revenues in India, and also from the sale of goods, and all other profits of the petitioners in Great Britain, during the time of the exclusive trade thereby granted to the petitioners; and that the notice required by the last mentioned act hath been given by the Speaker of the House, for determining the exclusive trade of the petitioners on the 10th day of April 1814; and that, since the passing the said last mentioned act, a further acquisition of territory and revenue in India has been made, and is now in the possession of the petitioners; and the petitioners also show that they have taken all the forts and factories which belonged to the French, Dutch, and Danes in Hindostan; and the petitioners are now in possession as well of the territories mentioned in the said last-mentioned act as of those which have been since acquired, and the British dominions in India, without a rival, or any enemy; now consist of a very large proportion of the peninsula, besides very extensive provinces in the north of Hindostan, and contain, as it is supposed, above fifty millions of inhabitants, and have been acquired wholly at the expence and risk of the petitioners, without any charge whatever to the British exchequer, for, though land forces belonging to his majesty have been employed, in conjunction with the forces raised by the petitioners, yet the whole of the expence of such forces of his majesty, whilst they have been employed in such service, as well as for their passage out and home, and in recruiting, has been defrayed by the petitioners; besides which, for a considerable length of time, the petitioners furnished or paid for victualling and stores for the use of his majesty's ships of war in the East Indies; and that the petitioners beg leave humbly to represent, that the welfare and happiness of the inhabitants of the countries which have come under the care of the petitioners has been their chief object, and they have reason to hope and believe that the amelioration of the condition of the people is most eminently conspicuous; when Hindostan was first visited by British traders, and long after the union of the two companies before-mentioned, when the opposition, not only of British subject against British subject, but of European against European, and the corrupt and impolitic attempts which were constantly made by one party to raise the despotic power of the Indian states against other parties, had in some measure ceased, the character of the native governments, as well as of the native individuals, remained unchanged, the ill usage which they had received from individual and associated Europeans roaming about without responsibility or controul, raised a jealousy and animosity against every stranger without distinction, and the internal state of the country, where justice and injustice were equally articles of traffic to be bought and sold, left the rights of persons and property entirely at hazard; and that the petitioners found the country divided into many different states, all feudatory to the mogul, who was considered the sole proprietor of the whole; these states were again divided among zemindars and chiefs, with other designations, under whom there were sub-infeudations, down to the ryots, who were the actual cultivators of the soil, and no man held any land, and scarcely a crop, but at the will of another of superior power; there

were no effectual means of resort for the support of any right, or the avenging any wrong, and the will of the strongest was the only practical rule of conduct which was established; and that, under the management of the petitioners, the scene has been entirely changed; by fixing certain permanent and invariable rents, a new and valuable property has been, as it were, created to the natives; by the establishment of courts of justice, and the appointment of liberal emoluments to those who devote their lives to the study and administration of laws adapted to the usages, customs, and religions of the inhabitants, they have removed temptations to corruption, and have provided the means for the inhabitants to be insured in the enjoyment of property thus created for them; courts of criminal judicature have also been universally erected, which have effectually provided for personal liberty and security; and by the alterations which have taken place, the practical means of foreign commerce, of traffic from port to port and internally, have been facilitated, very greatly to its increase; and, that it may not be supposed that the petitioners have assumed merits which they are not entitled to, they beg leave to refer to the Fifth Report of the select committee of the House on the affairs of the East India company, which was presented to the House on the 28th day of July last; and that, notwithstanding the ameliorated condition of the natives of India under the government of the petitioners, to which they have been accustomed, yet the tranquillity of the country is not maintained by a physical force, but chiefly by moral influence, and in a great degree even by prejudice; any change would alarm them, and their submission to British authority would be greatly endangered by an unrestrained resort of Europeans in search of wealth, either by commerce or other means, at distances from the principal seats of government, or in such numbers at those seats as to be beyond the controul of the governors, and by the resort of persons who may not have such connection with (and interest to uphold) the authority of the ruling power, as will insure the utmost care in their conduct, not only not to irritate but positively to conciliate the natives with whom they may have dealings; and the petitioners beg leave to represent, that their military establishments, artillery, and marine, have been of other most important advantages to this nation, in as much as, in the several European wars in which this country has been engaged since the peace of Aix-la-Chapelle, the forces of the petitioners alone, or in conjunction with the forces of his majesty at the expence of the petitioners, have taken all the settlements belonging to the Europeans on the continent of India with whom this nation has been at war, and such captures have formed part of the price of national peace, without any compensation to the petitioners; and that, upon the suggestion of his majesty's ministers, the petitioners sent a large force from India into Egypt, by the Red Sea, to co-operate with his Majesty's forces against the French, in the year 1801; and, in the present war, by expeditions equipped from India, all the possessions of the French, Dutch, and Danes, in the East, have been conquered; and though, as to such of those expeditions the accounts of which have been settled, the petitioners have been allowed considerable sums on the part of the public, yet such allowances were calculated to reimburse only a part of the vast expenditure actually advanced by them for those great national objects; and that the petitioners humbly hope they will be found to have been as attentive to, and as successful in, the cultivation of the trade with China as they have been with respect to the concerns in India; the peculiarities of the Chinese, and the delicacy attendant upon any intercourse with them, must be too well known as matter of history to every member of the House, to require any statement of it in this Petition; it will be sufficient to inform the House, that it is but a little more than one hundred years since any trade whatever has been carried on between this country and China; and that at this time about 46,000 tons of shipping are employed by the petitioners therein, and that they entertain in China for the purposes of that trade a regular establishment of servants called supra cargoes, and others of inferior ranks, whose business it is to keep up a connection with the few merchants, or more properly mercantile officers of the Chinese government, who are deputed to manage on the part of the Chinese all the commercial transactions between Great Britain and China; by this means the trade has been cherished and preserved through and notwithstanding many perils arising from circumstances apparently trivial, and the fatal consequences of which

could only have been averted by the most delicate conduct, and by the whole commercial concerns of the British nation being confided to one united authority; and that the petitioners feel it incumbent upon them to submit to the House an abstract of their financial operations since the arrangement contained in the above mentioned act of the 33rd year of his present Majesty was made; at that time the capital stock of the petitioners amounted to the sum of 5,000,000*l.*; since that period, in pursuance of an act passed for that purpose, the capital stock has been encreased by the sum of 1,000,000*l.* contributed by the subscribers at the rate of 200*l.* per cent.; and that at the time when the act of the 33rd of his Majesty was passed, sundry debts incurred in the defence and protection of the British possessions in India, bearing interest, were then due and owing by the petitioners, amounting to 7,000,000*l.* sterling, or thereabouts; since that period the said debt has been very much increased for the same purpose, and great part of such increased debt was raised upon loans, by the terms of which the creditors were entitled to the option of being paid off in India or by bills of exchange to be drawn upon London, and upon such obligations becoming due, the petitioners have been obliged to provide out of their funds and credit at home, the means of paying bills of exchange drawn upon them since the year 1807, to the amount of 10,902,924*l.* sterling, in discharge of Indian debt, and the debt contracted for political purposes, now remaining due in India, according to the latest advices from thence, amounts to the sum of 26,000,000*l.* or thereabouts, over and besides the sum of 3,000,000*l.* reduced 3 per cent. annuities, and the sum of 1,400,000*l.* consolidated 3 per cent. annuities, on which the sum of 2,500,000*l.* sterling was raised, in pursuance of an act passed in the last session of parliament, to enable the petitioners to pay bills of exchange, which had been drawn upon them from India, in part discharge of the Indian debt, as hereinbefore mentioned, and also over and besides the sum of 2,202,000*l.* or thereabouts, now owing by the petitioners upon bills of exchange not yet due, but payable in London, and which have been drawn in India, in further part discharge of the said Indian debt; and that the revenues of the territorial acquisitions in India, in the possession of the petitioners, in the year 1793 amounted to the annual sum of 8,000,000*l.* or thereabouts, and by the latest account and estimates received from the East Indies, the revenues of the territorial acquisitions now in the possession of the petitioners, amounts to the annual sum of 16,000,000*l.* or thereabouts, but the civil and military expences of the government have proportionably increased: and that the profits of the trade carried on by the petitioners since the year 1793, to the latest period to which the accounts can be correctly estimated, have amounted to the sum of 6,289,405*l.*, over and above the commercial charges of the petitioners, and beyond the payment of interest on their bond debt in England, and besides the dividends from time to time paid on the capital stock of the petitioners, according to the directions of the said act, passed in the 33rd year of his present Majesty; and that in 1793, the bond debt in England of the petitioners amounted to the sum of 3,200,000*l.*, or thereabouts, since which, by an act passed in the year 1797, they have been empowered to raise money by increasing their capital stock, by the amount of 2,000,000*l.* but they have not availed themselves of that resource, but, under the authority of several acts of parliament, they have raised money upon bond, and their bond debt in England now amounts to the sum of 5,409,325*l.*, but the petitioners are entitled by law to issue bonds to the amount of 7,000,000*l.* in the whole; and that the annual interest upon the present amount of the Indian debt now amounts to the sum of 1,600,000*l.*, or thereabouts, and as by the terms of the loans on which such money was raised, the creditors are entitled to receive their interest by payment of money in India, or by bills of exchange, to be drawn and made payable in London, at rates favourable to the holders, and, judging from the amount drawn within the last half year, the petitioners estimate that the annual sum of 1,500,000*l.* or thereabouts, will be necessary to be provided annually in London for the payment of such interest, besides which, although the several sums of money payable in respect of the reduced and consolidated annuities, (on which the said sum of 2,500,000*l.* was raised by virtue of the said act of the last session of parliament) for interest and sinking fund attendant thereon, amounting altogether to the annual sum of 242,820*l.*, are expressly charged upon the revenues of the territorial acquisitions in the East Indies, yet the petitioners are bound by

the said act, at all events, to pay such sums of money into the Bank of England, in manner in the said act mentioned; and the petitioners will also be obliged to provide, in London, the interest and other charges which may be attendant upon any further loan which may be necessary, in consequence of the said further sum of 2,202,000*l.*, part of the Indian debt, for which bills of exchange, drawn upon the petitioners, are now outstanding; and it is estimated that political charges (including payments to be made to the creditors of the late nabobs of the Carnatic) consequential upon the Indian territory, to the annual amount of 910,000*l.* or thereabouts, will be to be defrayed in England; and as, from the best estimates which can be made, there appears but little reason to expect (without a considerable reduction of the military expences of the petitioners in India) that there should be any sufficient surplus revenue to be remitted for those purposes, the petitioners apprehend that the punctual discharge of the pecuniary obligations of the petitioners in relation thereto, as well as the payment of the interest upon their bond debt in England, and the dividends on their capital stock, will depend most essentially upon the trade to be carried on by the petitioners; and that, in pursuance of several acts of parliament since 1807, the petitioners have increased their bond debt in England by the sum of 2,409,325*l.*; and in pursuance of an act passed in the 50th year of his present Majesty, the petitioners have borrowed exchequer bills of the public to the amount of 1,500,000*l.*; and by virtue of an act passed in the last session, as hereinbefore mentioned, the petitioners raised on loan, by way of reduced and consolidated annuities, the sum of 2,500,000*l.*; and all such sums of money, together with the said sum of 6,289,405*l.*, which has arisen from the surplus profits of the trade carried on by the petitioners, as herein-before mentioned, have been absorbed by payment of debts and expences incurred in respect of the territorial acquisitions in India; and that in the expeditions on the part of the British nation against the European enemies of his Majesty, and by advances for his Majesty's navy and other public services, the petitioners have incurred very large expences, which they submit they are entitled to be reimbursed by the public; and the petitioners compute, that after allowing such sum as they are indebted to the public for the loan of exchequer bills, to the amount of 1,500,000*l.* as herein-before mentioned, pursuant to an act for that purpose, passed in the last session of parliament, and after allowing such sums as the petitioners are indebted to his Majesty for troops in India, and for recruiting, the sum of 2,294,426*l.*, at the least, will be found due to the petitioners; and that the petitioners have now exhibited, they hope, with candour, the real situation of their affairs, and of the British trade, and relations with the East Indies and China; the petitioners do not presume to offer an opinion whether any other arrangements than those which have taken place would have led to results equally or more advantageous than have arisen to their country, but they apprehend it to be quite undeniable that the privileges entrusted to the petitioners have produced a large quantity of positive benefit to the British empire, and they submit that any material change in the Indian system would be matter of experiment, for which there can be no sufficient data from which its success can be calculated; and that the petitioners feel it to be their duty to express to the House their sincere opinion that the public interest cannot be better consulted than by continuing the petitioners, as the sole organs and channel both for the trade with and the government of India, upon the principles established by the act of the 33d year of his Majesty's reign, with such variations as to the financial appropriations, and in some other points of detail, as present circumstances require, and experience has pointed out; the petitioners ask not for an exclusive trade upon the narrow principles of monopoly, for the mere purpose of commercial gain; they have under their care interests of a much more extended and liberal nature, which it is their duty to attend to; the petitioners are ready to become parties to any arrangement which shall be consistent with their rights, and the security of British India, and which will not deprive them of the means of fulfilling their pecuniary engagements with the public and individuals, or the performance of the functions which may be continued or allotted to them; and they hope they will not be deemed presumptuous in humbly submitting their opinion, considered and re-considered, that the opening the trade with China in any degree would endanger its existence altogether; and that the pe-

titioners have at no time contemplated any alteration even in the export trade to the East Indies without considerable doubt and hesitation; but they are firmly of opinion that the unrestrained liberty of importation from that country, otherwise than through the medium of their establishments in London, would produce effects which every well-wisher to his country must deprecate, and which would put to extreme hazard any pledge on their part for the good government of India, or the performance of their obligations; the petitioners submit that they would not be justified in becoming parties to any system which, on consideration, should appear to them likely to prove an illusion; and that, as the petitioners do not venture to anticipate what may be the determination of the House upon the question hereby submitted to its decision, they hope that they will be excused for humbly stating what, in the event of the dissolution of the present system, they conceive would be found to be the rights of the petitioners, as well as their fair pretensions upon the justice and liberality of parliament; the absolute right of the petitioners, for their own use, to a considerable part of the forts, towns, islands, territories, and rights which they have acquired abroad, never has been questioned, and they believe it to be unquestionable; and, notwithstanding the claim made for the public to other parts of the territorial acquisitions and revenues of the petitioners, they entertain a strong hope that the property, as well in those parts which were acquired by conquest under the powers of peace and war lawfully exercised by them, as in those parts which were otherwise acquired, would be found to belong to the petitioners, in the same way as any other property within his Majesty's dominions belongs to the owners thereof, subject to the sovereignty and allegiance due to his Majesty; but even supposing it should be determined contrary to the sense and expectations of the petitioners, touching their rights, that those places were not the property of the petitioners, they submit, that in that case, if the possession were to be assumed on the part of the public, they would have a just right to reimbursement of the expences which they have incurred in acquiring and maintaining them, and in making the fortifications, and civil and military buildings and works, which they have erected and improved upon them, with a compensation for the services and risk of the petitioners during the long time which they have had the possession and government of such territories, under the confirmation of parliament, and all other charges incurred by them relative to such territories; these expences and charges amount to many millions of money; the petitioners also submit, that they have a just claim to be reimbursed all the sums they have paid in discharge of debts contracted on account of the territories, and to be indemnified against all other debts in respect of them, and which now remain undischarged; and that the petitioners do not question, as an abstract principle, the right of any of his Majesty's subjects to trade with any part of his Majesty's dominions; but they humbly submit, that it cannot be contended that any persons can have a right, except with the consent of the petitioners, to use the settlements, factories, and seats of trade, or to avail themselves of the means and facilities, moral and physical, which the petitioners at a great expence and risk, have created or acquired, and now at great current charge maintain, for the purposes of commerce and civil intercourse; and that, on account of the complicated nature and variety of the matters necessary to be considered and prepared in relation to the subject of this Petition, the petitioners were unable to prepare a Petition submitting their case relative thereto to the consideration of the House, until the time limited for presenting Petitions for private Bills was expired; and praying that leave may be given to present a Petition, praying that the House will take the premises into its consideration, and make such provision, as in its wisdom it shall see fit, for continuing the government of the territorial acquisitions in the East Indies in the petitioners, and for settling the trade to the East Indies and China, and other places, from the Cape of Good Hope to the Streights of Magellan, according to the present system; or that the petitioners may have such relief, in the premises, as their case may require."

Ordered to be referred to a Committee.

PETITION FROM THE EAST INDIA COMPANY RESPECTING THEIR ACCOUNT WITH THE PUBLIC.] A Petition of the united company of merchants of England trading to the East Indies, was brought up and read; setting forth,

"That the loans of very large sums of money have heretofore been raised in India on the credit of the petitioners, for the defence and protection of the British possessions there, by the terms of which loans the creditors were entitled to the option of being paid off in India, or by bills of exchange to be drawn upon London, and upon and in consequence of such obligations becoming due, bills to the amount of 13,104,924*l.* have been drawn, since the year 1807, upon the petitioners, payable in London; and the sum of 10,902,924*l.*, part of the said sum of 13,104,924*l.* has been discharged by the petitioners; and 2,202,000*l.* residue thereof, now remains outstanding; and the larger part of the bills drawn for the same will become due previous to the month of March 1814; and that, for the purpose of enabling the petitioners to pay the said bills of exchange which they have so discharged, to the amount of 10,902,924*l.* they borrowed exchequer bills of the public to the amount of 1,500,000*l.* in pursuance of an act of 50 Geo. 3, for granting to his Majesty a sum of money to be raised by exchequer bills, and to be advanced and applied in the manner and upon the terms therein mentioned, for the relief of the united company of merchants of England trading to the East Indies; and the petitioners also raised a sum of 2,500,000*l.* upon reduced 3*l.* per centum annuities, and consolidated 3*l.* per centum annuities, respectively transferrable at the Bank of England, in pursuance of an act of 52 Geo. 3, for advancing 2,500,000*l.* to the East India Company, to enable them to discharge part of the Indian debt; and that, by another act of 52 Geo. 3, to amend an act of 50 Geo. 3, for granting a sum of money to be raised by exchequer bills to be advanced and applied in the manner and upon the terms therein mentioned, for the relief of the united company of merchants of England trading to the East Indies, it is enacted, that it shall be lawful for the commissioners of his Majesty's treasury, or any three or more of them, to carry to the credit of the petitioners, in repayment of the sums advanced under the provisions of the said act of 50 Geo. 3, any sum or sums of money which should have been advanced or disbursed by the petitioners, in the East Indies, for his Majesty's navy, or any public services; and that the petitioners compute, that after allowing, in account, such sum as the petitioners are indebted to his Majesty for the loan of the said exchequer bills, that the sum of 2,294,426*l.* at the least is now due to the petitioners, in respect of money which has been advanced or disbursed by the petitioners, in the East Indies, for his Majesty's navy and other public services; and that by virtue of an act of 37 Geo. 3, to enable the East India Company to raise money by further increasing their capital stock, and to extend the provisions now existing respecting the present stock of the Company to the said increased stock, the petitioners are now authorised to raise money by increasing their capital stock by the sum of 2,000,000*l.*; but the petitioners have not raised any money in exercise of the powers contained in the said act; and that the petitioners are now authorized by law to raise money in England, upon bonds, to the amount of 7,000,000*l.*; and they have now issued bonds to the amount of 5,409,325*l.* and are at liberty to issue further bonds to the further amount of 1,590,675*l.* and by an act of 51 Geo. 3, to enable the East India Company to raise a further sum of money upon bond, instead of increasing their capital stock, and to alter and amend an act of 47 Geo. 3, relative thereto, it is provided, that when the petitioners shall have raised, under and by virtue of the said act of 37 Geo. 3, and of the said act of 47 Geo. 3, and of that act, such sums of money as together should amount to the sum of 4,000,000*l.* sterling; from thenceforth it should not be lawful for the petitioners to raise any further sum of money upon bond; and all money, which from thenceforth should be raised by increase of capital stock, under and by virtue of the said first mentioned act, should be applied in discharge of the said bond debt, until the said bond debt created by virtue of the said act of 47 Geo. 3, or of that act, together with the money to be raised by increase of capital as aforesaid, should be reduced to the sum of 4,000,000*l.* sterling; and that, upon an estimate of the probable receipts and payments of the petitioners in England, including amongst the receipts the said sum of 2,294,426*l.* so due from the public to the petitioners, as hereinbefore mentioned, it appears that it will be advantageous and necessary, to the concerns of the petitioners, that they should be authorized to raise the sum of 2,500,000*l.* on loan, in a different manner from that in which they may now raise money, for the

purpose of enabling them to discharge the said bills of exchange, to the amount of 2,202,000*l.* drawn in liquidation of the Indian debt, to provide for their other current payments, and to enable the petitioners, as circumstances may render it advisable, to reduce the amount of their bond debt, without increasing their capital stock; and that, on account of the intricacy of the matters necessary to be considered, and the want of advices from India relative to pecuniary concerns of the petitioners, they were unable to make out the estimates of the sum due by the public to the petitioners, or of the sum which it is requisite for them to be enabled to raise, until the time limited for presenting petitions for private bills was expired; and the petitioners therefore most humbly pray that leave may be given to present a Petition, praying that the House will be pleased to direct the payment of the said sum of 2,294,426*l.* so due by the public to the petitioners, as herein-before is mentioned, and to grant to the petitioners such relief, in the premises, as to the House shall seem meet."

Ordered to be referred to a Committee.

War with America.] Mr. *Croker* rose to correct a mistake, into which he had fallen in the course of the debate on Thursday night. He was perfectly right in all the facts he had stated, relative to the conduct of the American consular agent who issued certificates; but Mr. Lyman was not the person (as he had then asserted) who was guilty of the practice to which he referred. The name, however, was very similar, but he should decline mentioning it. In speaking also of the naval officer who had contributed by his skill and gallantry, to the preservation of our homeward-bound West India fleet, he should have stated, that it was captain Broke, of the Shannon frigate.

Mr. *Whitbread* felt himself extremely happy at the self correction of the hon. gentleman, and he was sure that it would prove a great source of satisfaction to the friends of the late general Lyman, than whom a more correct or honourable man did not exist.

Mr. *Croker* entirely participated in the satisfaction expressed by the hon. gent.

Vice-Chancellor's Bill.] Lord Castlereagh moved the order of the day, for taking into farther consideration the report on the Vice-Chancellor's Bill.

Mr. *R. Gordon*, on the order of the day being moved for the farther consideration of the Report of this Bill, observed, that the Bill had now received the finishing hand of the noble lord; but he could not see that any improvement, or any material alteration, had been made. He had observed that the noble lord had taken great pains in the construction of the Bill to avoid the words Assistant Judge, though this, in fact, was the very thing intended. One of the Amendments, he observed, was resorting to the suitors' fund for the payment of half of the new salary. Now, were there no other objection to the Bill, he should consider this alone as a very material one. The suitors' fund was private property, and, as such, what right, he asked, had they so to dispose of it? He knew that various sums had been taken from it before, but that was no justification of the practice. They were not to follow a multitude to do evil. By the Chancellor's paying the one half of the salary, the principle had been given up that he ought to pay the whole. He therefore contended for this principle to its full extent. The hon. member then adverted to the last clause of the amended Bill, providing for the Lord Chancellor's taking all the fees. On the subject of fees he had his doubts respecting their propriety, and was glad to understand that it was the intention of an hon. member to move, that the Lord Chancellor should receive no fees, but have a fixed salary. On the whole, it was his opinion that the Bill ought to be recommitted.

Mr. *M. A. Taylor* felt it his duty, as chairman of the committee that had been appointed to enquire into the emoluments of the office of Lord Chancellor, to state that these emoluments had been much exaggerated by general and vulgar report. Upon an average, for some years past, they had not been more than 18, 19, or 20,000*l.* a year, instead of 30 or 40,000*l.* as had been represented. The fees, on account of bankruptcies, amount to about 5,000*l.*; the emoluments, as Speaker of the House of Lords, to 7,000*l.* making in all, with the salary paid from the Exchequer, about 20,000*l.* a year. The emoluments from bankruptcies alone had, on the contrary, been stated to amount to 17,000*l.* a year, but such reports were without foundation. It had been the wish of the committee, that a fixed salary should be given to the Lord Chancellor, instead of these casual fees, and in justice to the no-

ble and learned lord now in that high office, he thought it necessary to state, that, on this being communicated to him, he approved of such an arrangement, and acquiesced in the average of the last five years being taken as the standard, amounting to about 16 or 17,000*l.* a year. He thought it only doing fair justice to the noble lord to state, that on this occasion they found him as liberal as any principle of fairness or equity could require. He was still partial to the project he had formerly suggested, of separating the bankrupt causes from the jurisdiction of the Lord Chancellor. There could be nothing unconstitutional in such a measure, as these had been attached to the office by statute, and not originally connected with the Lord Chancellor's duties. Another judge might be appointed for bankruptcies, who, at the same time, might be of great assistance to the Cockpit. He admitted of the impossibility of the Master of the Rolls being called on to do other duties than those of his own office, and with regard to the Lord Chief Baron of the Exchequer, he had business enough already in his own court.

Sir *F. Flood* was glad to find that the country, already so much burdened, was not to be charged with an additional salary. The Chancellor, it seemed, was to pay the one half of the salary, which was a proof that he was satisfied that he could not do all the duties. The Bill, in its first stage, he thought rather a slovenly performance, and unlike the usual productions of the noble lord. He approved of the amendments that had been introduced, and therefore, although he had formerly voted against the Bill, was now ready to give it his assent and support. It was evident there was a great increase of business in the Court of Chancery, and neither the Lord Chancellor nor the Master of the Rolls would be expected to do miracles. An immediate remedy was necessary, and any delay would be doing injustice to the public.

Sir *C. Burrell* remarked, that the precedency of the Vice-Chancellor was not proportioned to his salary, as it was proposed that he should rank after the Master of the Rolls, though his salary was superior to that of this last officer.

Mr. *Abercromby* suggested that, as it was not intended that the Vice-Chancellor should have a seat in the House of Commons, the safest course to pursue, would be to insert a clause in the Bill to that purpose. The statute of Anne, and that of George 2, might be supposed at first sight to suffice. But in this last statute it was specified, that the disability should not be extended to offices held for life or during good behaviour. In the statute by which the commissioners of accounts were appointed they were excluded from sitting in that House by a special clause, and as the intention of the legislature was at present undoubted, he supposed there could be no objection, in order to obviate future doubts, to insert the clause he proposed.

Mr. *Rose* said, that there could be no objection to what the hon. and learned member proposed, had not the act of Anne been amply sufficient. The words were, that no one holding any newly created office of emolument, should be held qualified to sit in the House of Commons.

Mr. *Canning* professed not to have discovered any of those amendments in the Bill that would induce him now to vote for it, having voted against it on the second reading. It appeared to him to have come out of the Committee with all the objections that it had at first presented; but he should reserve himself for an opportunity of farther discussing the principle of the Bill on the third reading. With respect to bankruptcies, he conceived what had been suggested by an hon. and learned gentleman to be an improvement, and if any such amendment was moved on the third reading, he should give it his support. He should not move, however, such an amendment himself, but should it not be moved, he thought the Bill ought to be rejected. As the evil complained of was of a temporary nature, the remedy also, he contended, ought to be temporary, and the Bill, therefore, limited to a certain duration.

Mr. *M. A. Taylor* disclaimed having any intention of moving the amendment alluded to, but thought it would be desirable, if there was any disposition on the part of the framers of the Bill to meet it.

Mr. *Lockhart*, referring to a clause in the Bill where it was stated that the Vice-Chancellor should determine all causes as the Lord Chancellor or Lord Keeper should direct, thought it of the greatest importance that this part of the Bill should be more defined or better understood. It was necessary to know how this authority was to be given, as much of the landed property of the kingdom might be held

on such decisions as the Vice-Chancellor might give. He wished to know the extent and sort of jurisdiction that the Lord Chancellor or Lord Keeper were to exercise.

The *Solicitor General* said, that the mode of determining what causes were to be heard by the Vice-Chancellor would be by orders issued, from time to time, by the Chancellor, Keeper, or the commissioners holding the great seal. As to the indecency which was said to be apprehended from the subordinate condition in which the Vice-Chancellor would be placed with respect to the Chancellor, when it was said he might be interrupted by the Chancellor's bell, what was the case at present when a judge and two Masters in Chancery sat for the Lord Chancellor? They proceeded to hear such causes as might be dispatched within the time during which it was probable they would sit. This would be the case with the Vice-Chancellor. The Chancellor would discover what was the most convenient manner of conducting the business, and signify it to the Vice-Chancellor; and from the harmonious manner in which business was conducted in Chancery, no evil was to be apprehended from this mode of proceeding. He had never pledged himself to propose any amendments in the Committee, but he had said that any objections against the Bill might be remedied there. As something must be done to remedy the existing evil, what had been proposed instead of this Bill? To take a judge, of whose integrity and talents enough could not be said in praise, and load him with all this additional business; and this, though that honourable person had stated to his constituents that the pressure of his ordinary business was such as to compel him to abandon the pleasing duties of representing his native county in that House. A certain number of juridical days were marked out with mathematical accuracy, and were to be imposed on the Master of the Rolls, although that officer had been begged, by the gentlemen of the profession attending his court, to desist from even his ordinary sittings, lest his valuable life might be endangered. The question was not of willingness or unwillingness, but of personal capacity to perform such additional duty. But it was said the duties would not be imposed without additional emolument. Was it a compliment to this judge who had declined the most grateful duties, to say to him, that he must now come forward and play the part of Scrub or Mungo. An hon. and learned gentleman, whom the House would not have forgot to have been the chairman of the committee to enquire into the Chancery delays (even had he not himself informed them of it,) had looked on this scheme as visionary, though he disliked the present Bill. The judges in Westminster-Hall were so burthened with business, that no assistance could be expected from them. As to sending the Chief Baron of the Exchequer to the Cockpit, no court, it was well known, could exist without its head—not even a bench of justices, as any gentleman opposite, who happened to be chairman of one, might know. The courts of Westminster consisted constitutionally of four judges, and it would be a discovery of that night if it was found that they could go on with three.

Mr. *Taylor* explained. He had not laid any stress on his having been chairman of the committee, but had merely mentioned it incidentally.

The *Solicitor General* explained, that he had only mentioned that the hon. gentleman was chairman of the committee to his honour.

Mr. *Whitbread* said, that during his whole parliamentary life he had never witnessed such an instance of rapid growth as they had seen that night. The infant of that day week had become a giant. The hon. and learned Solicitor General, who but a week ago was so diffident that he could scarcely venture to obtrude himself on the House; who professed himself to have no practical knowledge of the Court of Chancery, had, after having pledged his reputation that the expedient before them would be successful, came forward that night, and after speaking with full confidence to a point of practice in the Court of Chancery, proceeded to a speech full of sarcastic allusions. The allusion to the hon. and learned chairman of the committee, they must understand as being devoid of sarcasm, notwithstanding the tone and manner in which they were delivered. He had as much respect as any one for the Master of the Rolls, but notwithstanding all the lamentation which they had heard for the absence of that learned judge, which lamentation, no doubt, would be renewed to the full, in the case of any one appointed to the office of Vice-Chancellor, he (Mr W.) thought it expedient, that not only the

Master of the Rolls, but the Masters in Chancery, and the Welch Judges, should be excluded from the House, although no doubt sir W. Grant had made a great display of talent in that House, and even risen to his high office by that means. [No! from the ministerial side.] This was the first time he had heard the fact disclaimed.—The question should not be considered personally as it respected the Master of the Rolls, but the officer in general. The only imputation he had heard on the Master of the Rolls, was that brought forward by an hon. and learned gentleman (Mr. Stephen), on a former night; who had stated that that judge would not sit at the Cockpit, from a political pique against the administration, and this formed an additional reason that the Master of the Rolls should not have a seat in parliament, where he was exposed to political partialities. The Master of the Rolls would not permanently have this additional business, as much of the pressure arose from the circumstance, that the Chancellor, through an anxious desire to do strict justice, did little or nothing. As other opportunities would offer for delivering his sentiments upon the principle of the Bill, he should only say one word as to the harmony always supposed by the Solicitor General to exist in the Court of Chancery. There were instances, such as in the case of lord Thurlow, and lord Alvanley, where the Chancellor conceived the greatest contempt for the Master of the Rolls, and would never suffer that judge to sit for him. If such a prejudiced Chancellor existed hereafter, a Vice-Chancellor, though endowed with all the learning and all the talents, forensic and parliamentary, of the hon. and learned Solicitor General, might be reduced to a sinecurist. He might strut about with his train-bearer and his secretary—great at a levee or any where else—but in the Court of Chancery worse than nothing.

Lord *Castlereagh* thought, that nothing in his hon. and learned friend's speech justified the attack which the hon. gentleman had made on him. The characteristic of what his hon. and learned friend had said on a former night, and what he had that night repeated, was, that it had all the weight of argument, and was stated in a perfectly inoffensive manner. His hon. and learned friend could not be accused of arrogance, seeing that he had been challenged as a lawyer to come forward, and had done so accordingly.—In answer to an objection which had been been urged with respect to the possible abuse of the authority to be given by this Bill, he would observe that the Lord Chancellor might now, as the law at present existed, come into court, and take any cause out of the hands of the Master of the Rolls, even after it had commenced. This consequence, improbable and unheard of as it was, might be expected to happen if we were to argue from the abuse of the law and not the use of it. The different plans which had been proposed to be substituted for the present Bill were a sort of *contre-projets* which operated the one as a complete negative upon the other. One hon. gentleman opposite had that night distinctly stated his conviction that the erecting the bankruptcies into a separate department would create much difficulty and confusion. He himself thought that the same interruption and confusion would necessarily follow from overloading the Master of the Rolls with all the arrears in the Court of Chancery, and separating him from a court where he had so long presided with honour to himself and satisfaction to this as well as to foreign countries. He totally disapproved of that complexity of movement and judicial machinery by which it had been proposed to transfer the judges from court to court, and to supply the absence of one from his proper sphere by the successive removal of others out of theirs. He did not believe that the great and excellent character who had been so often referred to would ever stand in the way of any advantage to his country, but he conceived that in case of any such arrangement being adopted, it would be absolutely necessary for him to retire from the high situation which he now filled. It was not historically true, that the Master of the Rolls owed his elevation to the talents which he had displayed in that House; he owed it chiefly and originally to the distinction which he had obtained in the Court of Chancery, and at the bar of the House of Lords. He must enter his protest against any measure which proceeded on the supposition that the evil to be remedied was a temporary evil. Even if a temporary office were in this view created for the purpose, no eminent professional man would accept of it, unless on condition of the continuance of the salary after his services had ceased. Why, then, throw a character of doubt and disrespect upon the office without any advantage to result from it? It

would be at all times in the power of parliament to annul the office, if found unnecessary, as they had created it.

Mr. *Stephen* should not have risen, but for the notice which had been taken of an allusion made by him on a former night, to the cause of the Master of the Rolls withdrawing himself from the Cockpit. He conceived that no imputation was implied in the statement he had made, which, however, was founded only on common rumour. His attendance there was no part of his official duty, it was perfectly gratuitous, and he was at liberty to continue or discontinue it as he saw proper. The time that he had withdrawn himself from the Cockpit, was, when a certain administration was endeavouring to supplant him in the county which he had long represented. At such a time, it would not be wondered at, if he did not continue to give his voluntary attendance at a place, where it was not his particular duty to attend.

Mr. *Whitbread* did not know any thing more of the transaction than what he had learned from the information of the hon. and learned member, who had stated that the Master of the Rolls had been ill-treated by the ministry of 1806. Because he had been opposed in a county election, he had, it seemed, retired from the Cockpit out of political pique and resentment. He did not attach much credit to the rumour, but he thought that, if true, it implied a censure on the conduct of the Master of the Rolls.

Sir *Samuel Romilly* wished to understand the Bill, which he was unable to do from the Bill itself, without the assistance of those who framed it. He wished to be informed, whether it was intended to transfer causes set down for the Master of the Rolls to the Vice-Chancellor; if the causes were so transferred, it would create considerable dissatisfaction, and a multiplication of business by constant appeals; if it were not intended so to transfer them, all the causes would be set down before the Master of the Rolls. He wondered how gentlemen who had professed on a former night to be satisfied, not with what the Bill was, but with what it might be, should express their approbation of the Amendments. It was precisely the same that it was. The only alteration was in the omission of the words, " under certain restrictions and regulations," but the Vice-Chancellor was still to proceed to decide only such causes as the Chancellor should from time to time direct. It had been said that the judges could not possibly be spared from their courts to asssist the Chancellor. He would, as a fact, state, that in last Trinity Term, three judges had sat with the Chancellor for four days, on the will of Mr. Wilkinson. This formed at least an exception to the absolute impossibility stated. The objections to the present Bill were radical and essential. It made an alteration in the legal constitution of the country: and it would hereafter be recorded, that in my lord Eldon's time a Bill had passed which made it impossible for any one to rise to the highest honours of the profession in the fair and open path of his duty. It was not just to say that no other remedy had been suggested. Several expedients had been proposed, among others to enable the Lords to hear Appeals in the absence of the Chancellor; of which no notice had been taken. Yet why should not the other House be competent to do this, assisted by one of the noble and learned lords who had held the seals either of England or Ireland? The same course had been more than once adopted in the time of lord Mansfield; and lord Bathurst had sat for lord Thurlow. As to the observation which had been made on the increase of business from the Irish appeals, it was to be remembered, that before 1782, appeals from that country were tried here as at present, and that it was only from 1782 to 1800 that there was a suspension of the ordinary and established course of justice.

Mr. *Wetherall* could not conceive how such a power as that alluded to by the hon. and learned gentleman could be understood to exist in the Chancellor. The fair construction of this Bill certainly was, that the Chancellor could not transfer causes set down for the Rolls Court. As to the expedient suggested of detaching the bankrupt business, that branch he conceived to be now so closely and constitutionally connected with the original jurisdiction of the Court, that it could not be separated without great hazard and inconvenience. If a new judge were created for the dispatch of bankruptcy business, it would be creating a jurisdiction without appeal, which appeared to him a greater innovation than the object of the present Bill. It was not quite reasonable to expect such uniform and unfailing rectitude in any judge as totally to supersede the necessity of appeal. The most active and vigilant might sometimes slumber in a long

and wearisome course of application:

————Aliquando bonus dormitat Homerus:
Verum opere in longo fas est obrepere somnum.

Certain plans had been proposed which might expedite the dispatch of business in Chancery: but the House should beware lest in giving increased velocity to the wheels of one court, the whole machinery of another might not be reduced to a state of rest.

Mr. *Ponsonby*, in answer to the alleged anomaly in English law of creating a judge without appeal, observed, that in matters of bankruptcy there was at present no appeal. The hon. and learned gentleman who spoke last, seemed terrified at the consequences which would result from the appointment of a judge for the separate causes of bankruptcy. In the hon. and learned gentleman's opinion this would produce a narrowness of view in the person who should be appointed to this separate bench, which would render him unfit for the office. It was the first time he had ever heard that the division of labour made the labourer more inexpert. But would not the advisers of the crown advise the appointment of the fittest person for the office? It had been said, that the separation of the bankruptcy causes would not afford a sufficient relief to the Lord Chancellor. Did not the bankruptcy causes constitute one-fourth of the Chancery business? The Chancellor who should be left with three-fourths of the present business, and should be unable to execute it, was very unfit to hold that situation. An hon. and learned gentleman (Mr. Stephen), had been at once the accuser and exculpator of the Master of the Rolls. He knew not why that hon. and learned gentleman had thought fit to become the accuser of that exalted character, or whether it was by his permission that he had become his defender. Did the hon. and learned gentleman think that it was a fortunate defence for the Master of the Rolls, that he had withdrawn himself from the decision of causes at the Cockpit, because an opponent of his, at a county election, had received some support from ministers? He thought the hon. and learned gentleman ought to consider some time before he appeared again in the character of a defender. He could see no objection to the separation of bankruptcy causes from the great seal. The taking away part of the Chancellor's emoluments was no objection, for the Chancellor ought to be liberally paid, and consequently compensated for any loss. This was no part of the ordinary Chancery business; but superinduced a few years ago, because the legislature did not know what to do with it.

Mr. *B. Bathurst* said, if an anomaly were to be allowed to exist, as in the case of bankruptcy causes, it ought not to exist in a subordinate officer, but in a person clothed with the highest dignity.

The question was then put and the Amendment negatived. The Report was then agreed to without a division.

HOUSE OF LORDS.

Tuesday, February 23.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] The Bishop of *Raphoe* presented a Petition against the Roman Catholic Claims.

The *Lord Chancellor* observed, that it was impossible for the House to receive the Petition but as that of one person, for the names of the others were contained on a separate piece of paper, which was tacked to the Petition.

The Petition was accordingly so received.

Viscount *Falmouth* presented a Petition from the corporation of Penzance, in Cornwall, against the Claims of the Roman Catholics.

The Duke of *Norfolk* inquired how the Petition was signed?

Viscount *Falmouth* said, the corporate seal was affixed to the Petition.

The Earl of *Courtown* presented a Petition of the same description, from the noblemen, gentlemen, and Protestant inhabitants of the county of Wexford.

The *Lord Chancellor* said, their lordships could not receive this Petition in its present state; for, though it had a great number of names subscribed, and there were several sheets, yet it appeared that the whole of them had been signed by one person.

The Petition was ordered to be rejected.

The Bishop of *London* presented two Petitions against the Roman Catholic Claims; one from the inhabitants of the parish of St. Olive, in Hart-street, in the city of London; and the other from French Protestants in London. These Petitions were read, and ordered to lie on the table.

Viscount *Sidmouth* presented a Petition from the inhabitants of the ward of Billingsgate, against the Roman Catholic Claims.

The Duke of *Norfolk* moved that the

whole of this Petition be read.—The Petition was accordingly read by the clerk.

Viscount *Sidmouth* asked if the noble duke intended any objection to the Petition.

The Duke of *Norfolk* answered, that it was not with any intent to object to this Petition being received, but amongst the number of Petitions which had come before them on this subject, there was great difference in the language of the petitioners, and he must confess the name of the place from whence this came had caught his ear, and it made him desirous of hearing the whole of it. He recollected, at the time he had a seat in the other House, when a number of petitions were coming before them, and one was presented by the alderman of the ward of Billingsgate, a facetious member desired it to be read, in order to know if the sentiments bore any resemblance to the language of the alderman who, he observed, always spoke that of his particular constituents. But, notwithstanding the violence which had been expressed in other Petitions, and the coarseness which might have been in this, he must admit that the language was mild and decent; and, though it might have been supplied to the petitioners, on this occasion he would give them credit, that it proceeded from themselves. In respect to his wishing the Petition to be read, it was only consistent with the desire of the noble viscount himself, who, on a former evening, had expressed his opinion, that all these Petitions might be read.

Viscount *Sidmouth* referred to what passed on a former evening, and said it was merely through the expression of a noble lord, he had thought it right to move that the whole of the Petition be read. He did not perceive the necessity of the remarks which had been made upon this and other Petitions. With respect to the present, the language was mild and respectful, and it had been so described by the noble duke; and it was certainly more than was necessary or to be expected, that petitioners should always express themselves with classical purity. He deprecated that scrutiny which had been used towards these petitions; for he must repeat, he never in the course of thirty years, during which he had a seat in this and the other House of Parliament, recollected so much scrutiny and severity applied to petitions, which must operate as a discouragement to those who were still inclined to address their lordships upon this subject.

The Duke of *Norfolk* too well remembered a period somewhat before the noble viscount came into active life, when it was pretended that the sense of the country was expressed by the numerous petitions which were presented, one of which was signed by forty thousand persons. Party at that period ran high, but there was no man who would now say that was the sense and opinion of the people. He recollected the dreadful effects of such dissention respecting religion. He need not mention how the flame burst forth; and it was fortunate that this metropolis was not laid in ashes. It was on these grounds he felt a reluctance to hear the language used on the present occasion; and he felt himself bound as a peer to prevent, as much as possible, that spirit which, like the former religious volcano of London, might break out in those parts from whence some of these petitions came, and make destruction in the country. There was also another ground on which he felt inclined to be a little scrupulous in the receipt of these petitions, for though the noble viscount must have more information than he had on the subject, yet he well knew, in some places, that influence had been used on the present occasion.

Viscount *Sidmouth* again stated what he had urged last night, that these Petitions arose out of the declarations which had represented the Protestants of this country to be favourable to the Catholic Claims. He concurred with the noble duke that the time he had referred to produced most horrible effects. It was a disgrace to those who had acted on the occasion, but there was no comparison between the mild and considerate manner in which the Protestants now treated this subject, and that which was used at the period to which the noble duke had referred.

The Petition was ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, February 23.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] Petitions against the Claims of the Roman Catholics were presented from the citizens and inhabitants of Chester, the inhabitants of Leeds, the archdeacon and clergy of York, the gentry, clergy, &c. of eastern division of Kent, the archdeacon and clergy of Huntingdon, the inhabitants of Rye, the mi-

nisters, &c. of Chobham, the inhabitants of London and Westminster, the inhabitants of St. Dunstan's in the East, the inhabitants of Billingsgate, the rector, &c. of St. Olave, the Protestants of Donegal, the Protestants of Meath; the inhabitants of Aberystwyth, the gentry, clergy, &c. of Denbigh, the Protestant noblemen, &c. of Cavan, the inhabitants of East Grinsted, the burgesses of Ruthin, the Protestant noblemen of Downe, and the aldermen and burgesses of Bodmin. All which were ordered to lie upon the table.—Petitions were also received from the Roman Catholics of Ballinakill, Queen's county, and Limerick, in support of their Claims.

On presenting the Petition from London and Westminster,

Sir *W. Curtis* said, he had to present a Petition from more than 60,000 inhabitants of this metropolis, against what was called Catholic Emancipation. The persons who had signed this Petition, could read and write too.

Mr. *Christopher Smith* said, that it was the custom at the place where the Petition lay for signatures, to ask any one who presented himself to sign, whether he had read the Petition, and if he answered in the negative, to recommend him to read it before he signed; and he did not doubt that the greater part of those who signed it had read it.

Sir *J. Shaw* said a few words on the same side.

Mr. *Baring* said, that the meeting in pursuance of the resolutions of which this Petition had been drawn up, was convened in the most obscure manner possible. As half a dozen people at the Crown and Anchor would come forward with, "We the people of England;"—so this Petition, the signatures to which had been obtained by placarding the walls of taverns, and other disgraceful methods, was brought forward, as the Petition of the cities of London and Westminster. In so large a city a Petition on any subject would by such means get a long string of names; but it was much to the honour of the city of London, that it had not joined, by any public act, in the senseless cry which had been raised, he was sorry to say, principally by the clergy.

Sir *W. Curtis* said, the meeting was publicly convened, and attended by persons of consequence, and that 90 out of 100 signed it in the room where the meeting had been held.

Sir *F. Burdett* said, that as to Westminster, a numerous meeting which had been held in Palace-yard had come to resolutions in favour of the Catholic Claims.

Lord *Milton* asked sir W. Curtis whether notice had been given, that Petitions lay for signatures at the Churches in London during divine service.

Sir *W. Curtis* said, he was sorry he could not speak to the fact.

Lord *Milton* reprobated the practice of applying the Churches, and the time allowed for divine service, to purposes merely political.

PETITIONS OF CHRISTIANS FOR A REPEAL OF THE TEST LAWS.] Three Petitions—of the there-undersigned Christians—in behalf of themselves and others, who agree with them in considering absolute liberty of conscience respecting religion to be the unalienable right of all men,—were presented by Mr. Whitbread and read; setting forth,

"That it is the duty of all men to examine as diligently as may be in their power, the doctrines of religion, and after such diligent examination, to adopt and to profess what may appear to them to be the truth; and that, in the performance of that duty, men ought not to be obstructed or discouraged, or otherwise tempted to act hypocritically, by any law tending to bias them in the course of such examination of the doctrines of religion, by subjecting them, in the case of their dissenting from the doctrines of any established church, to suffer death by burning or otherwise, or to suffer any corporal or pecuniary punishment, or to be injured in their reputation by any disability more or less disgraceful; and that the petitioners acknowledge, with high satisfaction, that, in the present reign, considerable progress has been made towards the full restoration of the rights of conscience, by the wisdom of parliament and the benignity of the King rescinding various laws, in whole or in part, which were violations of those rights; yet, since other penal laws not less injurious to those rights remain unrepealed, since some of these laws subject to corporal punishments or pecuniary penalties, others, as in the case of the Test laws passed in the reign of Charles the second; subject to disgrace, disability, and privation of civil rights persons, whose only offence it is, that in conformity with their duty, they have examined the doctrines of religion, and by such examination have been induced to

embrace and to profess religious opinions different from the doctrines of the established Church; and that the petitioners feel it to be their duty humbly but earnestly to remonstrate against the longer continuance of any of these intolerant laws; and they do, in conformity with the premises, expressly petition the House, that every such unjust law may be repealed, and the rights of conscience may thus be restored to all the subjects of this United Kingdom; and the petitioners humbly beg leave to add, that this request, as it appears to them, is grounded on the most evident considerations of justice; and they trust that the compliance of the state would yet conciliate the affection of millions of their aggrieved fellow subjects, and unite them for ever to the interests of the empire: under each of these aspects their request claims, and they hope will be found to deserve, the assent of the House, as they are statesmen anxious for the safety of their country, and as they are moralists determined to act impartially on the rules of justice; but, when the petitioners consider farther that every attempt to influence men in their choice and profession of religion by penal laws, whether corrupt or compulsive in their operation, is contrary to the spirit of the Gospel, and forbidden by its plainest precepts in numerous passages, they hope it may be allowed them more particularly, and with all possible earnestness, to intreat the friends of religion in the House to interpose their authority, not to vindicate the Gospel from the groundless charge of intolerance, but to influence the state to conform its laws for the protection of the established Church, to the purity benignity and exalted integrity of our Gospel religion, to renounce the whole system of persecution, the long accumulation of ages of barbarism and discord, and to free an almost countless multitude of injured individuals from the temptation of ensnaring tests, and the more oppressive severities of our compulsive intolerance; by the success of such salutary counsels, at once restoring concord and safety to the empire, and freeing our national Church from the present too just reproach of retaining that support which persecuting laws can bestow, but which Christianity condemns, and would disdain to accept."

Four Petitions—of the there-undersigned Christians residing in the town and neighbourhood of Belper; in the town and neighbourhood of Derby; in the town and neighbourhood of Loughborough: and in the town and neighbourhood of Melbourne; in behalf of themselves and others, who agree with them in considering absolute liberty of conscience respecting religion to be the unalienable right of all men;—were presented and read; setting forth,

"That it is the duty of all men to examine, as diligently as may be in their power, the doctrines of religion, and after such diligent examination to adopt and to profess what may appear to them to be the truth; and that, in the performance of that duty, men ought not to be obstructed or discouraged, or otherwise tempted to act hypocritically, by any law tending to bias them in the course of such examination of the doctrines of religion, by subjecting them, in the case of their dissenting from the doctrines of any established church, to suffer death by burning or otherwise, or to suffer any corporal or pecuniary punishment, or to be injured in their reputation by any disability, more or less disgraceful; and that the petitioners acknowledge, with high satisfaction, that in the present reign considerable progress has been made towards the full restoration of the rights of conscience, by the rescinding of various laws, in whole or in part, which were violations of those rights; yet since other penal laws, not less injurious to those rights, remain unrepealed; since some of these laws subject to corporal punishments or pecuniary penalties, others, as in the case of the Test laws, passed in the reign of Charles the 2nd, subject to disgrace, disability, and privation of civil rights, persons whose only offence it is, that in conformity with their duty, they have examined the doctrines of religion, and by such examination have been induced to embrace, and to profess religious opinions different from the doctrines of the established Church, the petitioners feel it to be their duty humbly but earnestly to remonstrate against the longer continuance of any of these intolerant laws; and they do, in conformity with the premises, expressly petition the House, that every such unjust law may be repealed, and the rights of conscience may thus be restored to all the subjects of this United Kingdom; at the same time they declare to the House, that if the legislature of our country should not feel themselves convinced, as the petitioners do, that every trace of in-

tolerance ought to be immediately expunged from our statutes, yet, if the repeal or modification of any of our intolerant laws should now take place, particularly if the Test laws, as far as they affect our military force by sea and land, should now be repealed, the petitioners would view with high satisfaction any such measure, as a still farther advance towards the complete restoration of the rights of conscience; and at this crisis would consider it as having a salutary tendency to allay religious animosities, and to unite still more closely the great mass of the community in a zealous defence of the empire against the efforts of our powerful and ambitious enemy."

A Petition of the there-undersigned Christians, in behalf of themselves and others, who agree with them in considering absolute liberty of conscience respecting religion to be the unalienable right of all men, was also presented and read; setting forth,

"That it is the duty of all men to examine, as diligently as may be in their power, the doctrines of religion, and, after such diligent examination, to adopt and to profess what may appear to them to be the truth; and that, in performance of that duty, men ought not to be obstructed or discouraged, or otherwise tempted to act hypocritically, by any law tending to bias them in the course of such examination of the doctrines of religion, by subjecting them, in the case of their dissenting from the doctrines of any established Church, to suffer death by burning or otherwise, or to suffer any corporal or pecuniary punishment, or to be injured in their reputation by any disability more or less disgraceful; and that the petitioners acknowledge, with high satisfaction, that, in the present reign, considerable progress has been made towards the full restoration of the rights of conscience by the wisdom of parliament and the benignity of the King, rescinding various laws, in whole or in part, which were violations of those rights, yet, since other penal laws, not less injurious to those rights, remain unrepealed, since some of these subject to corporal punishments or pecuniary penalties, others, as in the case of the Test laws passed in the reign of Charles the 2nd, subject to disgrace, disability, and privation of civil rights, persons whose only offence it is, that, in conformity with their duty, they have examined the doctrines of religion, and by such examination have been induced to embrace, and to profess, religious opinions different from the doctrines of the established Church, the petitioners feel it to be their duty humbly but earnestly to remonstrate against the longer continuance of any of these intolerant laws; and they do, in conformity with the premises, expressly petition the House, that every such unjust law may be repealed, and that the rights of conscience may thus be restored to all the subjects of this United Kingdom."

Ordered to lie on the table.

LETTER FROM THE LORD MAYOR OF DUBLIN TO THE SPEAKER, SOLICITING LEAVE TO PRESENT A PETITION FROM THE CORPORATION OF DUBLIN AT THE BAR OF THE HOUSE.] The Speaker acquainted the House, that he had received a Letter from the right hon. the Lord Mayor of Dublin, the contents of which he communicated to the House; and the said Letter was thereupon, by direction of the House, read by the Speaker, and is as follows:

"Dover Street, 23 February, 1813.

"Sir; The corporation of the city of Dublin, in common council assembled, having prepared Petitions to be presented to Parliament on the subject of the Claims about to be preferred on behalf of the Roman Catholics of Ireland, I beg leave to state, that I have been deputed, as lord mayor of the city of Dublin, to deliver their Petitions at the bar of both Houses of Parliament; and I have now the honour to solicit, through you. Sir, that the honourable the House of Commons may be pleased to indulge the corporation of the city of Dublin by permitting me, as chief magistrate of that city, to deliver at their bar the Petition addressed to their honourable House, an indulgence which it is humbly hoped that the House of Commons will be pleased to concede to the citizens of Dublin, in analogy to the usage so long established of receiving Petitions at their bar from the corporation of the city of London, and which, if granted by that honourable House, will not only demand the gratitude of the petitioners, the second corporation of the empire, and yielding to none in loyalty and attachment for the laws, government, and constitution of these kingdoms, but will also be received as a grateful and flattering condescension by the inhabitants at large

of the metropolis of Ireland; that city which had been for so many years the seat and residence of the Irish parliament. I have the honour to remain, Sir, &c.

ABM. BRADLEY KING,
Lord Mayor of the City of Dublin."
"To the right hon. Charles Abbot,
Speaker of the House of Commons, &c."

Mr. *Grattan*, while he dissented from the opinions contained in the Petition which had been alluded to, conceived it to be his duty to support every proposition which had for its object the honour or interest of the city of Dublin, the capital of Ireland, and the second city of the empire. He should therefore move, "That the right hon. the lord mayor of the city of Dublin be admitted to present a petition of the lord mayor and corporation of the said city, at the bar of this House, according to the usages observed, in like cases, regarding the sheriffs of the city of London."

Mr. *Robert Shaw* seconded the motion.

Mr. *C. W. Wynn* said, in rising to oppose the motion, it was far from his wish to object to any compliment which the House might think proper to pay to the corporation of Dublin, or to the chief magistrate of that city; but, in his opinion, they ought to be guided, in such cases, by precedent, and he knew of none that could bear out the present motion. If this claim were admitted, he thought it would be likely to occasion great inconvenience to future chief magistrates; as it would no longer be a matter of option to transmit a petition from Dublin, by a member of that House, or by the lord mayor; the custom being recognised, they could not depart from one regular course; and, however unwilling, the chief magistrate would be obliged to act. It was undoubtedly the fact, that the House, through courtesy to the city of London, within which they almost held their meetings, permitted the sheriffs of that city, alone, to present petitions at their bar: but such a privilege was never permitted to any other part of the kingdom. In reference to the Petition from Dublin, the House were placed in exactly the same predicament as when petitions were sent from Edinburgh, in the custody of the Lord Provost. On those occasions, such a claim was never made. In the Petition on the case of capt. Porteous, in 1736, when the Lord Provost was in town, and under examination, he never demanded such a privilege; and the same observation would apply to the Petition of 1746. But a very strong objection to the admission of this claim was founded on the fact, that it never was advanced when a parliament was sitting in Dublin. The corporation did not enjoy any such right when the Irish parliament was in being, and he saw no reason why this privilege, which he contended would be rather troublesome than advantageous, should now be granted. There could be no doubt, that a petition, presented from the corporation of Dublin, through any hon. member of that House, would have every attention shewn to it; and he could not, therefore, conceive the necessity of transmitting it by the chief magistrate of that city. If the claim were admitted, it must either occasion the lord mayor of Dublin to be sent over to this country with every petition to parliament, which originated in the corporation, or, if that body acted differently, it would leave them open to the imputation of not treating other questions with the same dignity which marked their proceedings in the case of the Catholic question. If the claim having been allowed, a petition were presented by a member of parliament from that body, on a subject of importance at some future period, it might be said, "O! they do not see this question in the same elevated light as that respecting the Catholics, or they would have sent over the lord mayor!" Besides, if they granted the privilege to the corporation of Dublin, they could not refuse it, if claimed by the city of Edinburgh. For these reasons, he would oppose the motion.

Mr. *Peel* hoped, under the particular circumstances of the case, that the House would be induced to accede to the right hon. gentleman's proposition—particularly as the chief magistrate of Dublin had actually arrived in town. The corporation of Dublin had no other motive in transmitting the Petition, in the manner they had done, than a desire to give it every weight in their power; and he did think the House would be acting too strictly, if they rejected the application. He wished particularly to observe, that he was by no means induced to accede to the motion, on account of the nature or sentiments of the Petition. He was sure, in deciding this question, it was quite unnecessary to know what they were—it was sufficient to state, that a request was made by the corporation of the

second city in the empire, which it was easy for the House to grant, and which would be received by those seeking it with every proper acknowledgment.

Mr. *Tierney* did not think that the arrival of the lord mayor of Dublin in this metropolis was any argument for agreeing with the motion. He thought the worthy magistrate had acted rather hastily, in proceeding on his journey before he had ascertained whether he was likely to succeed in the object of it. If, as had been stated, the parliament of Ireland were never in the habit of receiving petitions from the corporation of Dublin, through the medium of the lord mayor, they could not now claim such a right with any propriety.

Mr. *W. Fitzgerald* said, the present was a request made on the part of the second city in the empire; it referred only to one particular occasion, and was not meant to extend to every question. He was of opinion, that the chief magistrate of Dublin having arrived, he ought not to be sent back without having performed the duty on which he was employed; and it was one thing to refuse a favour, and another, by the refusal, to offer an indignity. The hon. gentleman (Mr. Wynn) was anxious to save future magistrates from inconvenience; but he did not seem to feel any regret for the inconvenience which the present lord mayor of Dublin would experience, by returning without having executed the purpose of his mission. It was requested as a matter of favour, and it would be received only as such.

Mr. *Tierney* wished to know, distinctly, whether the lord mayor of Dublin was admitted, in a similar way, to present petitions at the bar of the House of Commons of Ireland?

Mr. *W. Fitzgerald* said, he had made inquiries on the subject, from persons possessing more information than he did himself, and he had reason to believe that such a permission was not granted.

Lord *Castlereagh* understood there was a particular resolution of the Irish House of Commons, "That no petition should be presented to the House, except by a member." Therefore, he contended, the course of proceeding there did not bear on the present question; for, had it not been for this particular resolution on the subject, the corporation of Dublin might have been treated with the same attention by the Irish parliament, as the corporation of London received from the united parliament. Certainly, the House was placed in a situation of great difficulty, as there was no precedent applicable to the occasion; but, as a general wish to receive the lord mayor seemed to prevail, and as it would tend to shew a desire to conciliate that part of the United Kingdom, he trusted the motion would be agreed to. He did not think that the concession would be attended with any consequences beyond the present occasion. He owned, if it appeared to him, that, by agreeing to the motion, the door would be opened so wide as some gentlemen seemed to suppose, he should feel very considerable difficulty in deciding on the subject. But the question was here very much narrowed—it was merely whether this particular Petition might be presented, in the manner desired, at the bar of that House. If a similar indulgence were requested on the part of the city of Edinburgh, he was sure the House would not hesitate to grant it. Under these circumstances, he hoped the House would agree to the motion in the spirit of conciliation and good humour.

Mr. *Tierney* wished to know, whether the parliament in England had any standing order similar to that stated to have existed in the Irish parliament. The present was an important question, as introducing a very serious precedent, and he would take the sense of the House upon it.

The *Speaker* said, he could not at present charge his recollection with any standing order on the subject. With respect to the sheriffs of the city of London being permitted to present the petitions of the corporation, it was always put to the question; and, in 1690,* it was the pleasure of the House not to receive them. The mode of acting was wholly in their own power.

Mr. *Tierney* thought the Lord Mayor had better place the petition in the hands of a member of parliament, for presentation; and the House would decide on the question, so that no person should be mistaken hereafter.

Mr. *Grattan* observed, that the addresses of the city of Dublin were presented to the Lord Lieutenant on the throne.

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* This took place on the 17th of April, 1690. The question for the admission of the Sheriffs was moved by colonel Birch. After debate, it passed in the negative, by 215 to 166. See New Parliamentary History of England, vol. 5, p. 586.

The *Chancellor of the Exchequer* observed that no claim whatever had been made; the privilege was requested, on this particular occasion, as matter of favour, not of right; and he hoped it would not be forgotten, that, in the present instance, the Lord Mayor had actually come over. By receiving this Petition through the Lord Mayor, they did not bind themselves to receive others in the same manner.

Mr. *Ponsonby* said, the House would readily believe that he was anxious to pay every possible compliment to the metropolis of Ireland; but what had fallen from the right hon. the Chancellor of the Exchequer made it necessary for him to rise in opposition to the sentiments which he had expressed. The right hon. gentleman had observed, that, by receiving this Petition, the House did not bind themselves to receive all others in the same manner. Now, in his opinion, if the House agreed to permit the Petition to be presented by the Lord Mayor of Dublin, they would be bound to receive all others, from the same quarter, in a similar way; for what was there in that Petition which should induce the House to give it this particular distinction, and to withhold it from all others? If no indignity were offered to the corporation of Dublin by the Irish parliament, who would not receive their petitions through any other medium but that of a member of parliament, how could the Commons of the United Kingdom be supposed to act disrespectfully towards them, if they pursued the same course? He should be glad to know, whether the hon. gentlemen opposite, who seemed anxious that the motion should be carried, intended that the rule should be universal, or confined to this particular case? If it were intended to be restricted to this single case, he should oppose it; because, by granting the privilege particularly here, it would seem as if there were something in the nature of the Petition itself, that caused the distinction.

The *Chancellor of the Exchequer*, in what he had said, was not at all influenced by the nature of the Petition. He certainly wished it to be understood, that the permission was not to extend farther than the present case.

Mr. *Croker* was anxious that the Petition should be presented at the bar, by the Lord Mayor of Dublin; but he declared that that anxiety did not take any colour from the object of the Petition—it was not any affront to the corporation of Dublin, that their petitions were not so received by the Irish parliament; because it was an invariable rule with them not to receive petitions except through a member of parliament: but here the case was different, for another course was permitted to the corporation of London; and, if the same privilege were refused to the corporation of Dublin, they might feel themselves a little lowered in the estimation of the House. The countries being now united, he hoped the House would not stamp Dublin, and through Dublin, Ireland, with a feeling of inferiority.

The cry of question now became general, and the gallery was almost cleared for a division, when

Mr. *Peel* observed, that, as the Lord Mayor was entrusted with another petition, it would probable obviate the objection if he presented that first. By this it would be seen that the nature of the Petition did not influence their decision.

Mr. *Ponsonby*, on this condition, expressed his willingness to vote for the motion.

Mr. *Tierney* said, if the motion were agreed to, it would be an established principle that all Petitions from the corporation of Dublin, should be presented at the bar of the House by the Lord Mayor.

Mr. *Croker* said, the indulgence would be the same as that extended to the corporation of London; which was always put to the vote.

Mr *Tierney* thought some resolution ought to be proposed, to set the question at rest.

The *Speaker* observed, that the letter of the Lord Mayor mentioned but one Petition; if the House chose to follow the suggestion of the hon. gentleman, the word in the motion should be "Petitions."

Lord *Milton* said, he thought they ought not to confine their vote to the particular instance then before them, but should lay down some general rule. As the question was now about to be decided, there would be no uniformity in the practice, since the corporation of Dublin might either transmit their petitions by the Lord Mayor, or by members of the House of Commons as they pleased themselves.

Sir *James Shaw* said, as the right of the corporation of the city of London to present petitions to the House of Commons, by their sheriffs, seemed to be questioned, he had no hesitation in saying, it was their undoubted privilege, and there was no authority in that House to deny it.—(Cries of Chair! chair! Order! order!)

The *Speaker* begged to call to the recollection of the House, that they never could recognise a privilege in any body, to knock at their doors and demand them to be opened—that was a right which belonged only to the crown. On reflection the hon. member would perceive that he had gone too far in claiming that as a right which was solely a courtesy.

Sir *J. Shaw* admitted that his expressions were rather too strong. He only meant to state, that from a very ancient period, the corporation of London were permitted to present their petitions to parliament through the medium of their sheriffs.

The motion was then put from the chair; "Petitions" being substituted for the word "Petition."

Mr. *Wynn* expatiated on the mischiefs which might ensue in consequence of the chief magistrate of either Dublin or Edinburgh being obliged to leave his post, for the purpose of presenting petitions at the bar of that House.

Mr. *Peel* observed, that, by an act of parliament of his present Majesty, in case the Lord Mayor of Dublin was obliged to proceed to England on official business, he was empowered to elect a locum tenens from amongst those who had filled the office of chief magistrate.

Lord *Cochrane* moved, that the words "and the Lord Provost of Edinburgh," be inserted in the motion, after the words "Corporation of Dublin."

Lord *A. Hamilton* seconded this amendment.

Lord *Castlereagh* thought it would be time enough to dispose of such a proposition, when application to such effect was made by the corporation of that city.

Mr. *Tierney* observed, that the Scotch were generally thought a prudent people, and the corporation of Edinburgh would know better than to send their Provost 400 miles to present a petition.

This amendment was put and negatived; after which the original motion was carried without a division.

THE PRINCE REGENT'S ANSWER TO THE ADDRESS RELATING TO THE WAR WITH AMERICA.] Lord Castlereagh reported to the House, that the Prince Regent having been attended with their Address of Friday last, was pleased to receive the same very graciously, and to give the following Answer:

"Gentlemen,

"I thank you for this loyal Address.

"It affords me the greatest satisfaction to find that my endeavours to preserve peace with the United States of America are justly appreciated; and that your determination to uphold the maritime rights of the country is in unison with my own.

"Acting upon these principles, and aided by your support, I look forward with confidence to an honourable termination of the war in which I have been compelled most reluctantly to engage."

SIR FRANCIS BURDETT'S MOTION, RESPECTING THE REGENCY.] Sir *Francis Burdett* rose and spoke to the following effect:

In rising, Sir, at the present moment, in pursuance of the notice which I gave on a former evening, I feel some degree of embarrassment and reluctance in calling the attention of the House to the subject of it; after that attention has been engaged, and in a great measure exhausted, by the protracted discussion of other questions. It will not be necessary for me, however, to trespass long upon its patience, because the proposition I have to submit appears to me so plain and simple, that little argument, and few arguments will be necessary to convince gentlemen of the propriety of adopting it, although at this time I feel that I have to contend with greater difficulties than I should have experienced at any other period. In every point of view in which this subject can be surveyed, it appears to me to be one of the highest importance, affecting the great constitutional interests of the country; involving the restoration of the honour, the dignity, and the security of the throne, as well as the safety and the legal government of its subjects. It is not without having endeavoured upon various previous occasions to draw the attention of the members of this House, and of the individuals composing the administration of the country, to this question; it is not without having repeatedly, but in vain, attempted to induce some other individual of more weight and influence than I can pretend to possess, to bring it forward; it is not without having twice, but in vain, proposed Addresses to the Prince Regent, upon a matter so deeply interesting to his family, to his throne, and to his people, that I at length have ventured upon a task to which I feel myself so unequal. Finding none willing to take upon themselves the burden, I may be excused, if I have considered it an imperious duty I owed to

the people of Great Britain, to call the attention of parliament to a subject of the weightiest magnitude.

It appears, then, to me, that violent encroachments have been made upon the true principles and frame of the constitution of this country, by those measures that have been adopted in consequence of the unfortunate affliction under which his Majesty is suffering. The first encroachment occurred in the year 1788, the whole of which proceedings always appeared to me an unwarrantable departure from the principles of the constitution, and though I should be unwilling to introduce any personal animadversions, though I do not wish to attribute blame to any individual, yet I cannot avoid in general terms asserting that those proceedings seemed to me to originate in the violence of faction, and to have been supported and adopted with no other view than to keep power in the hands of the party then in office, without any regard to the interests of the state, or respect to the legal government of the country. At that period the constitutional and safe though not the successful doctrine, was maintained on the one side, that upon failure of the capacity of the person filling the throne, the exercise of the functions of royalty immediately devolved upon the heir apparent. On the other hand this simple and obvious position was denied, and it was insisted that the heir apparent to the crown had no more right to the government of the nation than any other subject in the King's dominions. In the strict legal acceptation of the word 'right,' there certainly was no right, because there was no law, and where there is no law there can be no right; but upon parity of reasoning; upon every principle of propriety and expediency, there could be no doubt of the line of conduct that ought to be pursued: nothing could be more obvious than to follow that example, to which the faction seemed blind, that had been set at the glorious Revolution in 1688. If the proceedings of parliament had been governed by that wholesome precedent, ministers would not have been allowed for five months to take into their own hands the government of the country, instead of an odious oligarchy for that period being usurped by the executive, there would have been no suspension of the powers of the crown, no departure from the leading principles of the constitution. The steps, however, taken in 1788 were justified on the plea of necessity. I have been always taught to believe that the exercise of the functions of the crown formed an essential part of the constitution; I have been always taught to believe that there are two grand leading principles that govern, in my opinion, the whole of this question: First, that the powers and prerogatives annexed by the common law to the crown, and which I conceive to be unquestionable, descend by hereditary succession, and not by election: Second, that its powers are never suspended; the functions of royalty never cease, for if they were for any period terminated it would be a destruction of one part of the three essential branches of the constitution, and a total dissolution of the legal government. At the period to which I have referred, it appears to me that these two great leading principles were unnecessarily and unwarrantably departed from.

The great danger resulting from once admitting the plea of necessity is obvious, from subsequent experience, for in the year 1810 this mischievous precedent was followed, when I had the honour, though unsuccessfully, of resisting it throughout, and of supporting the principles for which I now contend. In 1810 the violent usurpation was renewed, and that which ought to have been considered as a beacon to warn ministers from a dangerous coast was mistaken for a sure light to guide them in safety to harbour. Unfortunately, from the evidence of the physicians, we know that during the interval between 1788 and 1810 his Majesty was sometimes in a state of mind that rendered him incompetent to the consideration of those important matters of policy that naturally devolve upon the sovereign, and the person whose duty it was to submit them to the King, abstained from so doing in consequence of the distraction of the royal faculties. To what degree insanity existed: how far ministers presumed, under colour of the royal authority, to exercise the powers of majesty at a time when the occupant of the throne was unable to discharge the duties annexed to that exalted station, I cannot pretend to say, but I cannot help asserting, that from the testimony of the physicians there is strong ground to believe that the government of the nation was carried on in the name of the King by his servants at a time when one branch of the constitution was incapacitated by disease—when the situation of his Majesty's mind did not permit him to per-

form the important duties appertaining to his high office. Thus, then, there appear to have been two violent deviations from the established principles of the constitution of such a nature, I contend, as to be subversive of the interests of the throne and destructive of the security of the subject. The miserable fiction which was resorted to on those occasions, that which has been very justly denominated the phantom of royalty, electing and appointing an executive magistrate, was a deception too weak to deceive the most superficial observer: to my mind it seemed a most unnecessary consecration of an act completely illegal, to induce the Lord Chancellor, without any adequate authority, to affix the great seal, thereby pretending to give the royal approbation to a measure of which the King could have no possible cognizance.

I could certainly urge many reasons that with peculiar force call upon the House at the present moment to come to a decision as to the mode of proceeding on a contingency which is possible, though, perhaps, not probable, and which if not provided against may again place the country in that situation in which it would be deprived of all legal government, in which the majority of this House might usurp and retain all the powers that belong to the crown; my object is to prevent on future occasions this lawless assumption of authority, to destroy that pretence of necessity which it is plain never existed; because, in truth, by the constitution of the empire, a choice, indeed many choices, of legal remedies remained. This illegal mode of proceeding was, however, resolved upon, and the House not only took upon itself to nominate the executive magistrate—not only, on its own authority, resolved to supply a throne, which I insist was not, and never could be vacant—but it went still further, and usurped the power of declaring that restrictions should be placed upon the person they selected to invest with some of the prerogatives of the crown, all of which were bestowed by the common law for the benefit of the people. They proceeded so far in their assumption of authority, that the Prince of Wales was unwilling, under such conditions, to take upon himself the task of government. In that able letter written by his Royal Highness in the year 1788, in which he so distinctly, accurately, and perspicuously defined the principles of the constitution, and the insurmountable objections existing in his mind to the mode of proceeding suggested, he at length consents to act as Regent, with no other view than putting a period to the anarchy that prevailed, conceiving that the evils resulting from this line of conduct would be less than those that might arise from the continued abeyance of the third branch of the constitution: he accepted the kingly power, mutilated as it was, rather than permit the constitution to be further mutilated. I have said, that I could urge reasons that peculiarly call upon the House to adopt a measure like that which I shall have the honour of suggesting; but I am unwilling now to enter into any arising from peculiarities of situation. I shall leave the minds of gentlemen to suggest those inducements, only entreating them to recollect, that the greatest evil, the most dreadful calamity that the history of this country presents, arose out of a dispute regarding the succession of the crown, and that by not decidedly maintaining the constitution as it has been happily established in this respect, consequences equally fatal, calamities equally horrible may again be endured. My object is to guard against such dreadful results, and the House is called upon by a proper sense of its duty to guard the people of these realms against circumstances that may enable the minister of the day, on a pretended plea of necessity, to subvert the constitution, and usurp the government of the country. Such, Sir, is the object of the motion with which I shall conclude, but at the same time I have taken care, by the general terms I have employed, not to tie down the House to any distinct proposition, that may to me appear necessary, and which I shall feel it my duty to suggest. My motion will simply be for leave to bring in a Bill "to provide against any interruption in the exercise of the royal authority, in the event of the death of his royal highness the Prince Regent, during the continuance of his Majesty's malady;" but I have no hesitation in stating, that in my view, it will be right to give to the Regent powers as uncontrouled as those that belong to the King himself: the principles upon which I conceive this step should be taken is, that the incapacity proceeding from insanity is like every other species of incapacity, even that of personal disease, an utter vacating of the government.

I have always, Sir, understood that the

office of king is not according to the constitution vested for the benefit of the individual filling the throne, but that it is a trust exercised for the advantage of the people, and in this view it is of great consequence that it should never cease: it is a principle which none of the gentlemen of the long robe (of whom we have many in this House) will dispute, that the crown, according to the common law, knows neither infancy nor insanity, or any other cause that can incapacitate the person holding it to discharge his important duties, and if such cause do exist, it must be viewed in the same light, and treated in the same way, as the natural death of the monarch. If insanity should unhappily visit the sovereign, the authority, I submit, by the law of the land, immediately devolves upon the successor, without the interference, much less without the election of any set of persons that may be anxious to usurp powers that to them do not belong. Such is the plain, obvious, simple, and legal mode of proceeding, which will meet all possible circumstances, and preserve the various branches of the constitution independent of each other.

It would be idle in me to occupy the attention of the House, by noticing the many vague reports that have been circulated, with regard to my intentions and object in bringing forward the present motion. Some persons have regarded it as if I were actuated by a spirit of hostility towards his royal highness the Prince Regent. I can safely say, that I am influenced by no such feeling, and that, in all I have ever said or done in public, I have been actuated by a sentiment of respect for his Royal Highness, a respect proceeding from my confidence in those public principles to which he had preferred his attachment; and my conviction that his Royal Highness was as ill-treated as any subject in the King's dominions. I thought I saw in him a wish to unite more closely the common interests of the throne and the people, a desire of building the honour of the former on its only permanent and solid basis, the affections of his subjects. I looked upon him as the friend and advocate of those principles which his family was called into this country to maintain; I indulged the hope that he would prove the restorer of the nation to that safety and prosperity which it formerly enjoyed, that its liberties would have been cherished by his fostering protection, that his reign would have been blessed by those who happened to live under it, and regarded by posterity with gratitude and veneration. These, Sir, are the only feelings I ever indulged, and these are the only feelings I now entertain; and for the motion I now offer, I have the authority of his Royal Highness himself, and I have nothing to do, but to read a passage from that excellent and eloquent letter written by him, in 1788, to bring forward an advocate in this cause infinitely more able to do it justice than myself. In that production the Prince of Wales puts the argument in so strong, so clear, and so admirable a manner, that I cannot forbear stating a part of it to the House. He says, "the Prince holds it as an undoubted and fundamental principle of the constitution, that the powers and prerogatives of the crown are vested in trust and for the benefit of the people, and they are secured only as being necessary to preserve that poise and balance of the constitution, upon which experience has shewn, depend the true security and liberty of the subject." His Royal Highness then goes on to state the mischiefs that must inevitably result from mutilating the prerogatives of the crown, and exciting suspicion in the mind of the monarch; he also makes various other complaints, and he declares that nothing but the anxious desire he feels to put an end to the anarchy then prevailing, could induce him to overcome his objections, and to try that experiment which he deprecates, "with how little power the executive government of the country may be carried on." Unfortunately, since the date of this letter, another experiment has been tried in his person, under circumstances most disrespectful to his Royal Highness, and more injurious to the public: to prevent, therefore, the recurrence of such events; to provide against contingencies; to preserve that "poise and balance of the constitution upon which experience has shewn depends the true security and liberty of the subject," and to defeat the usurpations of the legislature, in opposition to a particular statute, by which the penalties of a præmunire are incurred by those who attempt to pass any measure without the consent of the King, is my design. I wish to interpose such a Bill that parliament shall never pass any measure, and on its own authority order the chancellor to affix what I must term the counterfeit great seal to it,

for the purpose of giving it an authority and sanctity which does not and never can belong to it. It would have been, I think, much more becoming to have supported the enactment on the authority of the legislature, without resorting to trick and chicanery for its maintenance.

Various, Sir, are the reasons that impel me to bring forward this proposition; but if it be true, as is pretty generally believed, that certain great individuals, by different means, do place their dependents in this House, it becomes a matter of double importance, that a Bill should be passed to restrain such individuals from usurping and exercising illegal power; to remove a new motive for ambition; to shew that the crown is not to become the prey of greedy cormorants, and that factions must not hope to deck themselves in the trappings of royalty. What, therefore, I should propose would be, that the powers now exercised by the Prince Regent, should, in case of the death or disability of his Royal Highness, be exercised by the heir to the crown, the Princess Charlotte of Wales. I know not whether gentlemen have any objection to this mode of proceeding, or whether they think her Royal Highness an unfit person to wield the sceptre in case of the incapacity of the Prince of Wales. I confess I see no reason to the contrary; but I shall merely submit the motion, and after leave has been given that the Bill shall be brought in, I shall leave it to the House to modify it as they conceive will be most conducive to the public interest. All I wish is, that factions should not have the power to fill the throne with whomsoever they please, and under what conditions they please. I wish to avoid consequences to which we have been exposed, at least by want of foresight, if not by something worse. I presume I shall not be told by the gentlemen of the long robe that the princess Charlotte of Wales is not of sufficient age, because the common law, as far as relates to the crown, knows no infancy, and grants may be produced, made by children in such situations, that have been held by lawyers to be absolutely binding: the security the public require is, that there shall always be an executive government, zealous in the discharge of its duties, and responsible, not only for the acts done, but for the advice they give. But there have been Bills for regencies on certain occasions, in which it was provided, that the king or queen should have a particular council till he or she came to a certain age. These, however, were provisions totally distinct from those to which his royal highness the Prince Regent has been subjected after he had attained a full maturity of age. The country never before heard of such a regency, except the attempt of 1788. It has been indeed enacted for particular purposes, in the reigns of Henry 8, and Philip and Mary, that the full age of the successors to the crown shall be 18 in the males; and in the females 16, in the one case, and 15 in the other. But there is no occasion to dwell upon these cases, as the princess Charlotte of Wales is in her 18th year; and therefore, by the admission on all hands, either is, or will very soon be, of age, to exercise the royal functions. In the event of the death of the King, and of the Prince Regent, no one can doubt but the royal power would descend upon her, without its being in the power of that House to prevent it. It may be alleged, however, that his royal highness the Prince Regent may have male issue,—but from the disunion which at present exists in the royal family, and which is greatly to be lamented, such an event is far from being probable. It may likewise be said that there is no necessity for any such regulation as that which I am about to propose; but I trust the House will not think that those matters, which even in private families are not left to the frail contingency of human life, ought to be left to such a contingency, in cases of so much greater importance. We have already experienced the mischief resulting from the want of a fixed rule to follow: and it is our duty to prevent the recurrence of those contests in which the power of the crown was torn in pieces for private and factious purposes. And I trust, Sir, I may depend upon having those with me who supported the doctrine once contended for by the late Mr. Fox, namely, that the crown of right, in cases of the incapacity of the reigning sovereign, devolves upon the heir: and I may also hope for the concurrence of those who opposed that doctrine; for in the proceedings which they adopted, they acknowledged that they departed from the strict rules of the constitution; but pleaded necessity as their apology. Then, Sir, it is surely their duty to prevent such a necessity from again recurring. The danger to the crown from the late proceedings, in regard to the Regency, must be obvious. The two Houses directed the Chan-

cellor to put the seal to an instrument appointing a person to exercise the royal [illegible] ons; and this they called giving the [illegible] ssent to that instrument. Now, [illegible] is there to prevent their making a [illegible] se of the great seal, if they chose [illegible] er the descent of the crown?—[illegible] h a thing was in fact done by the [illegible] ament of Paris in the reign of Charles [illegible] If the principle is once admitted, there is no limit to the mischief that may follow. In the interregnum that took place not long ago, they might have affixed the seal to bills of pains and penalties. The danger both to the crown and the subject is imminent; and the House ought not to shut their eyes to that danger, but provide against it. My only object is to preserve the constitution. I do not wish to excite any contention. My sole view is to induce the House to be prepared, and not to wait till the necessity comes upon them, like an armed man, and forces them to subvert instead of upholding the royal authority. It is my wish to prevent the recurrence of the dire necessity of again raising the hideous phantom which was conjured up on a late occasion by the two Houses, to assist them in their distress,—a phantom which reminded one of the phantom described by the Poet,—

> ———" The other shape,
> " If shape it might be called which shape had none
> " Distinguishable in member, joint, or limb;
> " And on its head a kingly crown it wore,
> " While in its hand it shook a dreadful dart:"

But instead of the dart, the phantom which we have conjured up takes a fatal seal; a seal certainly not less deadly to the constitution than the dart of the poet's phantom to human life. In the great constitutional principles which I am desirous of establishing, I am supported by the authority of the Prince Regent himself, and by that of the royal family; for it is well known, that in 1810, the royal dukes did protest against the proceedings adopted at that time, and were reviled, in the grossest manner, on that account, by the ministerial writers, who called them the College of Princes, and made use of other abusive terms, though the royal dukes, both as subjects, and as persons nearly connected with the throne, were perfectly justified in the step which they took on that occasion. Considering, Sir, that the House has been exhausted by so much previous business, I will not dwell longer on the subject, nor do I conceive it to be necessary: " in rebus non dubiis argumentum non necessarium." But I cannot help making one further observation before I sit down, which is, that it appears to be the intention to keep the crown always in a state of pupilage to the oligarchy in this House; for in the Regency Act to which I have so often adverted, it was provided, that, in the event of its being necessary to appoint another regency, the House shall meet and take the proper steps for that purpose. My object is to prevent the necessity of this, and to put it beyond the power of the two Houses of Parliament to render the royal authority subservient to their will, and to parcel it out as they may think proper. I shall conclude, Sir, with moving, " That leave be given to bring in a Bill, to provide against any interruption of the exercise of the royal authority, in the event of the death of his royal highness the Prince Regent, during the continuance of his Majesty's malady."

Lord *Cochrane* seconded the motion.

Mr. *Bathurst* highly approved of the open and candid manner in which the hon. baronet had submitted his motion to the House. The hon. baronet had rested it on a few plain propositions, and had very properly kept out of view every thing not connected with his subject. It would not, therefore, be necessary for him to take up much of the time of the House, in stating the reasons why it appeared to him that the suggestions of the hon. baronet ought not to be adopted. The hon. baronet had, in his opinion, stated the difficulties to which they had been formerly reduced in much too strong colours. It appeared to him, that the discussion of the subject was altogether unnecessary, and that therefore it ought to be avoided. It would be impossible to agitate the question, without raising again all the passions which the question had formerly called into action. This was not a desirable object, and the matter ought to be allowed to rest till the necessity of the case should call for it. When that necessity should arise, the House would again, upon a review of all the circumstances, exercise a sound discretion. No general fixed provision had ever been made against the event of such a malady as that by which his present Majesty was visited: nor had any one been pointed out as the person with whom the royal authority should rest in such a case. These were events which must be dealt with according to the peculiar circumstances of each case, and the

two Houses of Parliament were the best judges of what was proper to be done on such occasions. The hon. baronet appeared to think that the heir to the crown had a sort of right to exercise the royal authority, in the event of such an interruption to the regal functions as that to which he had adverted. That, however, was a question which might now be considered as at rest. Whatever doubts there might formerly have existed on the subject, none such were stated during the progress of the last Regency Bill. The only question then was, whether they should follow the example of the time of the Revolution, by calling a person to the exercise of the royal authority by a mere vote of the House, or have recourse to that more solemn form of proceeding which had been at length adopted. As to the restrictions, that was merely a question of prudence at the particular time, and under the particular circumstances; and he did not see that there was any ground for the apprehensions at one time expressed by his Royal Highness, and the royal dukes. The case of the demise of the sovereign was totally a different matter. That was an event which had been provided for by law; but he saw no reason for making a fixed provision against the occurrence of such cases as that of the calamity with which his present Majesty was visited. It might be safely left to the discretion of the two Houses of Parliament to provide against such cases as they occurred. There was no necessity, therefore, for entering upon the discussion; and without a strong necessity the subject ought, in his mind, not to be agitated. The hon. baronet had represented the Regency proceedings as a factious contest for power; and if such was his opinion why should he wish to revive such angry feelings? There was another objection to the motion of the hon. baronet. He rather thought that it could not be received by the House, unless it came recommended by the crown. If any such measure was thought necessary or proper, application might be made to the House by the crown, as had been done in cases of a similar nature by other sovereigns. In its present state it would be improper to entertain it. He was sorry that he had been led to say even this much on the subject, as he was anxious to avoid all discussions respecting it. These were his reasons for opposing the motion. It did not come recommended by the crown, and he saw no necessity for agitating the question; but there were, on the contrary, in his opinion, many very solid reasons for avoiding all discussion on the subject.

Mr. *Brand* was desirous of stating his reasons for supporting the motion of the hon. baronet; but in doing so, he would carefully avoid the introduction of all extraneous matter. He would refrain from all allusion to those circumstances which at present formed the subject of general conversation, nor would he say any thing as to the party views which had been displayed, as was alleged, in the former discussions on this subject. The right hon. gentleman had assigned as his reasons for opposing the motion: first, that it did not come recommended by the crown: second, that there was no necessity for it; and that the House ought to wait the arrival of a case of necessity before they agitated the question. On these points he differed entirely from the right hon. gentleman; for he could not believe that it was essentially necessary to have the recommendation of the crown before the House entered upon the discussion of a question of such vital importance both to the crown and the community; and he could see but very little wisdom indeed in waiting the arrival of a case of necessity, and taking measures on the spur of the moment, instead of providing for the case upon previous mature deliberation. The right hon. gentleman had stated, that there was no necessity for bringing forward the question at that time. In his opinion, it was a point of great magnitude, and of commanding necessity. What must be the feelings of the person who was to exercise the royal authority?—what must be the feelings of every one who felt an anxiety that the crown should be supported in its dignity, in looking at the contests of rival parties tearing the powers of the office in pieces? These matters ought to be provided for by digested plans, in order to prevent the recurrence of such disgraceful scenes, as they had on former occasions witnessed. Such contentions of factions—such restrictions on the royal authority—such violations of the constitution—must inevitably have the tendency of holding out to the people that the powers of the crown were not necessary in their full extent for the government of the country. Something ought therefore, to be done, without delay, to put an end to the possibility of such occurrences. It was now more necessary than it might be in

other times. There was only one life between us and the recurrence of the difficulty; and under such circumstances the Bill ought undoubtedly to be received, and the remedy proposed by the hon. baronet, or some other remedy, ought to be adopted. It might perhaps be urged, that this would lead to discussions in regard to some other unfortunate circumstances connected with the royal family; but legislation ought not to be impeded merely because such discussions might accidentally be introduced. He was convinced, however, that the House would have too much delicacy, and too strong a sense of propriety to introduce such discussions without the most unavoidable necessity. Upon the whole, the right hon. gentleman had stated no good reason against the proposed measure, which should have his most cordial support.

Lord *A. Hamilton* could not conceive how those who had defended the Regency restrictions on the ground of necessity, could possibly oppose the present motion, the object of which was, to prevent the recurrence of such necessity; a necessity, of which he could not sufficiently deprecate the recurrence, when he called to mind, that at one period during the indisposition of his Majesty, ministers had actually exercised the functions of the executive in all their plenitude: for it ought never to be forgotten, that in 1804 circumstances did arise which made it more than suspicious, that publicity was not given to the real circumstances of his Majesty's indisposition, and that ministers did then contrive some way or other to exercise the royal authority, at a time when his Majesty's state of health rendered him quite incompetent to the discharge of the functions of royalty.

Mr. *Wynn* agreed with an hon. gentleman, that if a message should come down from the crown, for the purpose of settling the question of Regency in future, it would be the most regular and graceful way for parliament to proceed upon the subject. At the same time, it must be recollected, that parliament had at different times proceeded to alter the succession of the crown, and sometimes without any message. Those great men who passed the celebrated Exclusion Bill, did not wait for a message from the crown upon the subject. It was most clearly within the power of parliament, to originate the question themselves. It was said, that there was no great probability of the contingency arriving. In that case, it appeared to him that the subject might be discussed without any irritation, and without any revival of those angry feelings which had been so much deprecated, but drily as a simple constitutional question. If the contingency should really happen, then there would be a tenfold acrimony in the discussion; whereas the question might be now settled with the utmost temperance. Concurring entirely in the principle of the hon. baronet, he thought however there was a more eligible method of attaining his object, than that which he had chosen, namely, the referring the consideration of the question to a committee of the House.

Mr. *Ponsonby* said, that although the question might have come better from the ministers of the crown, yet as the hon. baronet had thought proper to bring it forward to the consideration of the House, he wished, before he gave his vote in favour of it, to explain, in a very few words, the reason of his so doing. He allowed that such measures as the one now proposed, should generally proceed from the government; but there might be cases, where, if parliament was moved to the consideration of them, it was fully competent to them to determine them, even although government might be unwilling to invite their attention to the subject. As to the contingency itself, it did not appear to him so improbable as it seemed to some gentlemen; for all knew, that although his Majesty was afflicted with a severe mental malady, which made him incapable of exercising the functions of royalty, yet that he enjoyed as sound health as any man of his age, and that there was a great probability of his living for many years. If that was the case, there only stood one life between us and all the difficulties which had been experienced on two former occasions. Supposing that event to take place, he thought that it would be too much for any member to expect, that his individual arguments would be able to induce parliament to act differently from the mode they had adopted on the two former occasions. He supposed, that in such a case, parliament would act according to the precedents they laid down. The proposition of the hon. baronet, which was now under their consideration, was not for determining the quantity of power to be given to a future Regent, nor for declaring who should be that Regent: it was merely a motion for

leave to bring in a Bill to provide against any interruption of the royal authority, in the case of the contingency taking place which was stated. Now it appeared to him, that if this motion was granted, and the Bill brought in, parliament would have it in its power, without departing from the principles established in the former instances, to make such provisions as would (should the case occur) remove a great deal of the difficulties which were experienced in the former instances, and enable the government to put itself into activity in a much shorter space of time. As he thought that this good might arise from allowing the hon. baronet to bring in his Bill, he should vote in favour of the motion.

Lord *Castlereagh* trusted that he should be able to shew, that there was not a sufficient necessity to induce the prudence of the House to agree to the motion before them. He allowed that the hon. baronet had brought the subject forward with great candour and fairness. The hon. baronet, however, who had been induced by his constitutional view of the subject to bring forward the present motion, appeared to him to be more anxious to destroy the authority of the parliamentary proceedings in the two former instances, than to provide for the contingency he had stated. He appeared to think it of the greatest importance, to rebut and subvert all the principles which the House had laid down upon that subject; and to get rid of what he considered a pernicious precedent. For his part, he had a view of the subject directly opposite. He thought that it was a benefit, and a blessing to the country, that the great constitutional difficulties which attended this subject had been removed, and the point settled on the fullest discussion, which was afterwards revised upon the late occasion; and in which the greatest legal and constitutional learning had been displayed. He considered that those precedents would be a great protection to the country, hereafter, from similar difficulties. He allowed that parliament had a right to enter into such considerations without a message from the crown; but it was always for their prudence to consider, whether they should expose themselves to a conflict with the crown upon the point? In any thing respecting money, all conflict with the crown was prevented by the necessity of the crown proposing or previously consenting to the grant. In common legislative measures this was not necessary; but it was obvious that there was no description of questions more likely to involve the House in a conflict with the crown, than a question which touched the crown so nearly. The contingency which was mentioned, appeared to him to be so very remote a one, that he thought the hon. baronet, upon his own principles, should rather have proposed a permanent Regency Bill, applicable to all cases, than have confined himself to this particular contingency. It appeared to him, however, that what the hon. baronet wanted, was to destroy the discretionary power of parliament upon the subject; and that he preferred the question being determined on the hereditary principle, than by the discretion of parliament. In determining upon which principle the question should be decided, there was certainly a balance of inconveniencies. But the reason why it was better that it should rest in the discretion of parliament, was, that parliament felt it its first duty, to take care that the royal power should be restored undiminished into the hands to which it legitimately belonged, as soon as the sovereign was again capable of exercising his royal functions: whereas, upon the hereditary principle, the royal power being fully and immediately transferred to the Regent, there was not the same security for the resumption of it by the sovereign, when the temporary cause which suspended his personal exercise of it was removed. The noble lord conceived, that the contingency was not sufficiently probable to justify parliament, in the exercise of its prudence and discretion, in adopting the proposition of the hon. baronet, for which reason he should certainly give it a decided negative.

Mr. *Whitbread* declared, that he should be sorry to allow the question to go to a vote, without saying a few words upon it. On the former discussions relative to the Regency, a party in that House contended, that the proper mode of proceeding would be to address the heir apparent, to take the executive authority into his own hands. Parliament however decided, that the Regency should be constituted by Bill. Now, what was the proposition of the hon. baronet? Not that, in the event of the death of the Prince Regent, the Regency should devolve on the Princess Charlotte, but that a Bill should be introduced, to enable parliament to provide for an event, the contingency of which was

not very great, although it was not so small as the noble lord, for the benefit of his argument, had represented it to be. What had been the state of the country since 1788, in consequence of what he conceived to be the dilatory and improper conduct of the legislature, in not providing against contingencies of this nature? And yet the hon. baronet's proposition tended not to bind the legislature to any particular measure, but to leave the subject freely open to discussion and deliberate arrangement. In 1788, his Majesty was afflicted with a malady which continued so long that a Regency Bill passed the House of Commons, and was in progress through the Upper House. Many were then of opinion that some distinct proceeding should be adopted; but the delicacy of the royal advisers restrained them from advising his Majesty to send a message down to parliament on the subject. In 1804, his Majesty had a relapse of his indisposition. On that occasion, ministers thought proper, the King being in a state in which private persons would not be permitted to manage their private affairs, to carry on (the noble lord, who spoke last, being one, and the Lord Chancellor another of those ministers) the business of government under the mask of the royal authority. In 1810, his Majesty became again afflicted. The House well recollected the angry discussions that had taken place in parliament. The House recollected that the Prince of Wales thought that the indignity with which he had been treated by the servants of the crown, equal to that which he had experienced in 1788. Hopes were, from time to time, held out of the recovery of his Majesty. In the mean time the executive authority remained in abeyance. And in the subsequent discussions the greatest inconvenience was sustained in consequence of no kind of provision having been made on the subject after the occurrences of 1788. In 1811 he had taken the liberty to bring these circumstances under the consideration of the House. He had stated what he conceived to have been remissness on the part of the servants of the crown, and had proposed the appointment of a committee to provide against the recurrence of such serious inconveniences. The House had thought proper to negative that proposition. From that day no proceeding whatever had been adopted. This however appeared to be the precise moment for some parliamentary arrangement on the subject; for party heats were so allayed, that there would be no danger of reviving those animosities to which former discussions had given birth. Of this, the temperate tone of the debate of that evening afforded a practical proof. Unquestionably the death of the Prince Regent before that of his Majesty was not a very probable event. But that it was a very possible event every day's experience in common life gave ample evidence. If such an event should occur, in what a situation would the country be placed! The Princess Charlotte was competently qualified both by age and by talents to assume the royal authority; and yet parliament must go through certain forms before they could confer on her that which unquestionably they would confer on her—the unrestricted Regency; for the restrictions originally imposed on the Regent were imposed only in the contemplation of an event now hopeless—the recovery of his Majesty. On these grounds he felt the utmost satisfaction in supporting the motion of the hon. baronet, persuaded as he was that he could not better fulfil his duty than by doing so.

Sir *Francis Burdett* rose to reply, amid a loud call for the question. He was glad to find, notwithstanding the opposition his motion had experienced, that it was met from the other side by a direct negative, a mode certainly more manly than by the previous question. One right hon. gentleman (Mr. Bathurst) seemed desirous to leave things to themselves; and whilst he avoided the consideration of the question in a constitutional way, he argued that sufficient unto the day was the evil thereof. The noble lord, on the other hand, justified his objections by the necessity of the case, which called for the interposition and discretion of parliament. If, indeed, the noble lord thought the great seal sufficient to fill up the void caused in the exercise of the kingly power,—if he thought the majorities of the two Houses sufficient to supply the want of the monarch's rights and prerogative,—then he would readily admit that the noble lord's objections were just. For his own part, he wished to see the crown surrounded and strengthened with all legitimate properties and authority; and it was that wish, and that wish only, as connected in its necessary results with the benefit and happiness of the subject, that influenced him to submit to the House the present motion. He had tried

every avenue, he had explored every channel, for the purpose of bringing this truly important question to a point; but he had to lament, that hitherto all his industry and exertions had proved useless and discouraging. He had been charged by the noble lord, with preferring hereditary power to parliamentary discretion; but the real fact was, that he preferred, and would at all times prefer, hereditary power to contingent and purely accidental power placed in the hands, of a few ministers, supported by such majorities as he had seen in that House. The contingency of human life, which depended upon so great and mixed a variety of events, could not be set up as an argument for preventing the House to do that which they were bound to do, in order to provide a remedy certain and efficacious for a possible or a probable evil. He was decidedly of opinion, that the hereditary succession of the crown could not be restrained and mutilated; for, to his mind, the consequences would not be dangerous alone, but would be attended with inevitable ruin. If the prerogative of the crown were to be suspended at any one time, what reason could be urged, that it might not be suspended at all times, and under all circumstances? The hon. baronet concluded, with requesting the House to consider well the magnitude of the question in every constitutional point of view; and to decide, whether they would, by negativing it, debar themselves, the crown, and the people, from the true provision and remedy against future dangers and evils which were not at all unlikely to occur. For his part he was at a loss to conceive how a greater good could be done to the country than by determining this important subject at a period like the present, when it did not appear possible that feelings of heat and animosity would be introduced into the discussion.

The House then divided, when there appeared,

For the Motion 73
Against it 238
Majority against the Motion ——165

List of the Minority.

Althorpe, visc.
Atherley, A.
Brand, hon. T.
Baring, A.
Barham, J.
Barnard, visc.
Birch, —
Brown, A.
Bernard, S.
Bennet, hon. H. G.
Calvert, C.
Creevey, T.
Combe, H. C.
Cavendish, lord G.
Carew, R.
Cocks, J.
Chaloner, R.
Dillon, hon. A.
Dundas, C.
Dawson, R.
Ebrington, lord
Frankland, W.
Fitzroy, lord J.
Foley, T.
Fitzgerald, lord H.
Foster, F.
Greenhill, R.
Gordon, R.
Grant, J.
Hamilton, sir H.
Heron, sir R.
Heathcote, sir G.
Halsey, J.
Hornby, Edw.
Hamilton, lord A.
Johnes, T.
Johnstone, hon. C.
Jekyll, J.
Kemp, Thos.
King, sir J. D.
Lester, B.
Langton, W. G.
Leader, W.
Lambton, R.
Macdonald, J.
Madocks, W.
Monck, sir C.
Milton, visc.
Martin, J.
Moore, P.
North, D.
Neville, hon. R.
Ossulston, lord
Osborne, lord F.
Phillips, G.
Ponsonby, rt. hon. G.
Pym, F.
Ramsden, J.
Rowley, sir W.
Russell, lord G.
Russell, lord W.
Smith, S.
Smith, A.
Scudamore, R.
Tavistock, lord
Tierney, rt. hon. G.
Talbot, R.
Wrottesley, H.
Whitbread, S.
Wynn, sir W. W.
Wynn, C.
Wharton, J.
Webster, sir G.

TELLERS.
Sir F. Burdett
Lord Cochrane.

HOUSE OF COMMONS.

Wednesday, February 24.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] Petitions against the claims of the Roman Catholics were presented from the archdeacons of Durham, and Northumberland, the clergy, &c. of Wallingford, the Protestant noblemen, &c. of Roscommon, the Protestant dissenters of Exeter, the clergy of Whalley, the mayor, &c. of Stamford, the Protestant noblemen, &c. of Tipperary, the lord mayor and corporation of Dublin, the Protestant inhabitants of Lisburn, the Protestant noblemen, &c. of Kilkenny, the French Protestant Refugees, the inhabitants of St. Mary-le-bonne, the Protestant inhabitants of King's county, the Protestant noblemen, &c. of Limerick, the archdeacon and clergy of Coventry, the nobility, &c. of Kent, the freeholders and inhabitants of Dublin, the grand jury of Dublin, the clergy and archdeacon of Derby, and of Nottingham, and the gentlemen, &c. of Wilts.

Petitions in favour of the Claims of the Roman Catholics were presented from Berwick upon Tweed, Chichester, Tipperary, and Flint.

On presenting the Petition from the Protestant noblemen, &c. of Tipperary,

who were favourable to the object for which it had been convened, and were dissatisfied at their not being able to smuggle a petition, contending that the chairman should not put the question. The high sheriff of the county had refused to call a meeting at the instance of the noble lord and his associates, and had moreover refused to let them use the court-house for the purpose. Under these circumstances he thought he was fully justified in asserting that the Petition was not from the Protestants of Kilkenny, but was that of certain individuals. He was confident that it was disapproved by seven-eighths of the inhabitants of that county, and even the Protestants who disapproved of it possessed much more property than the noble lord and his associates.

Lord *Desart* was glad that the right hon. baronet did not happen to be present at the meeting, the proceedings of which he had described to the House; because, that being the case, he could without any breach of politeness assure him, that nothing of what he had stated to have happened there, had happened. Most of the persons at that meeting had signed the Petition before they left the room. [Here sir J. Newport exclaimed, "No!" and his lordship insisted such was the fact; they had signed it in his presence.] The right hon. baronet had imposed on him a very disagreeable task, that of revealing what had passed at the meeting, for many of those who concurred in a part of the proceedings, had expressed their sorrow for the part they had taken, and wished much that nothing should transpire upon the subject. First then, he had to state, that the high sheriff of the county had signed the Petition before he left the room, though he had refused in his official capacity to summon a county meeting, and had, moreover, assured him that he entirely approved the sentiments which had dictated it, though prevented by his official duties from concurring in his public capacity to promote the object of the meeting. And here, perhaps, it would not be irrelevant to animadvert on the exultation with which the right hon. baronet, surrounded as he was by the friends of liberty and toleration and emancipation, had stated the refusal of that place to the Protestants, to assemble in and embody their opinions in a Petition to the legislature, from which the Catholics had been frequently permitted to issue their resolutions and menaces. But to proceed with a statement of what occurred at the meeting, a cry for adjournment was, at the commencement of the proceedings, immediately set up, in which a number of Catholics who had obtained admission were, of course, not slow to join; and, in consequence, though the persons who had met for the purpose of petitioning, only desired leave to express their sentiments, no such leave would be granted. The majority of the Protestants then left the room, and the persons who remained voted a person into the chair, and proceeded to pass resolutions, of which, he believed, they were afterwards very much ashamed. Of the persons who had subscribed, many did so under the influence of menaces used by their landlords for the purpose of compelling them to do so, and many of these had afterwards come to him, expressing their sorrow for having yielded a reluctant consent which they conceived to be contrary to the duty they owed to their king and country, and desiring that they might be permitted to sign the Petition he had now the honour to present. He, conceiving that any injury which might result to them from doing so, would reflect more discredit on the country than the want of their signatures, had dissuaded them from doing so; but many, incensed by the conduct they had witnessed at the meeting, persisted in their resolution, and actually had affixed their signatures, conceiving that there was no law to exclude the patrician order of Protestants from making known their sentiments to the legislature. He would maintain, that the Petition he held in his hand was as well entitled as any other to lie on the table of the House.

Sir *J. Newport* said, he had no objection to the Petition being received, but it professed to be what it was not—a Petition from the Protestants of the county of Kilkenny. He wished to know, if the people who thought in the same manner with the noble lord, at the meeting in question, formed the majority of that meeting, why they allowed an adjournment of it? [Here the hon. baronet was interrupted by loud cries of Spoke, spoke! and after some little resistance, was obliged to resume his seat.]

The Petition was then read, and ordered to lie upon the table.

On presenting the Petition from Chichester,

Mr. *Huskisson* observed, that this Petition would have been signed by a greater number of persons, but printed extracts,

from an abominable publication, purporting to be the third part of "A Statement of the Penal Laws affecting the Roman Catholics," were industriously circulated from door to door, and occasioned many individuals to withhold their signatures. He understood the same base act, for he could call it nothing else, was resorted to elsewhere. Now, he had always heard it stated, that any publication, the motive of which was to disturb the public peace, was a libel. The publication to which he alluded, could have no other object but to create dissention between the Roman Catholics and the Protestants; to excite those two classes of his Majesty's subjects against each other; and to place a bar between the respectful representations of the Roman Catholics, and the deliberative wisdom of parliament; he was sorry therefore that government had not proceeded against its author.

Sir *J. Newport* said, that the libellous and malicious publication alluded to was not confined to Chichester, but had been spread throughout Yorkshire and Lancashire; when such shameful artifices were resorted to, it sufficiently marked the character of the cause which demanded such support. He complained, that such a gross and villainous libel on a whole people, was not taken notice of by the government of that country whence it proceeded. It notoriously issued from a press favoured by that government, It proceeded from the office of The Dublin Journal, which, with its worthy compeer, The Patriot, was supported by the public money. Why, he asked, had not the government exerted those powers, which, on other occasions, they were ready enough to make use of, in punishing the author of this atrocious work? Why had not they directed the Attorney General to file an information on the subject? But their thunders were reserved for other objects. They could prosecute the printer of the two first parts of The Statement, but they overlooked the false and malicious publication, purporting to be The Third Part, although it tended to fill the country with dissention and bloodshed.

Mr. *W. Fitzgerald* lamented to think that they were coming to the momentous discussion on the claims of the Roman Catholics, with so much heat and violence of temper. As a friend to the Catholics, he must say, that those persons connected with the government, who wished well to their cause, were almost compelled to speak unfavourably of that which they were desirous of supporting, when they heard such language as was made use of by some of the advocates of the Catholic claims. Had the right hon. baronet been present on a former day, he would have heard his hon. friend (Mr. Peel) manfully and candidly disclaim, on the part of the Irish government, any knowledge of the publication which had been so often referred to; he would have heard him say, that a printer was prosecuted, not for publishing the two first parts of The Statement, but because he had promulgated that which accused the lord lieutenant of Ireland of the foul crime of murder. The publication itself appeared to him to be so clumsy a production, that it could impose upon no person; even as an ironical attempt, it was ridiculous. He was convinced that those who were accused of being privy to it, were innocent of any such knowledge; and he declared, that he would not belong to a government that could be guilty of such a practice.

Sir *H. Parnell* repeated the observations he had made on a former evening, as to the correctness of the statements contained in the two first parts of The Statement. He believed the secretary for Ireland was ignorant of the publication of the Third Part; but when it appeared in a paper, under the protection of the Irish government, he did not think it could have passed unnoticed by them.

Mr. *Peel* defended the Irish government from any knowledge of the publication. He then adverted shortly to the libel for which Mr. Fitzpatrick was recently found guilty, and observed, that while he wished to avoid exciting any of those feelings of irritation which the language they had just heard was evidently calculated to produce, he could not help thinking it singular, that the government of Ireland should be expected as soon to file an information against the publisher of a work, which was described as being too clumsy to impose upon any person, as against the printer of a direct and virulent libel against the lord lieutenant of Ireland.

The Petition was then ordered to lie on the table.

PETITIONS FOR THE REPEAL OF THE TEST ACT.] Mr. W. Smith presented a Petition from the there undersigned Protestant dissenting ministers of the three denominations residing in and about the

cities of London and Westminster; setting forth,

"That the petitioners conceiving the right of worshipping God according to the dictates of their own consciences to be derived from the Author of their being, and confirmed by the Founder of their Christian faith, and therefore not to be subject to the controul of human authority, cannot but regard with deep concern those statutes which restrain and limit the exercise of this right, and impose conditions and penalties that seem to them as unjust in their principle as they are injurious to the vital interests of true religion; and that the petitioners consider those statutes as originally designed to guard against evils which no longer exist, and as expressive of sentiments with regard to the nature and extent of religious liberty, which no longer prevail, at a period when the subjects of the British empire, however they may differ with regard to the principles of their religion and their mode of professing it, concur in a cordial attachment to the family on the throne; and when enlightened views of religious liberty, and a corresponding liberality of spirit, have been diffused among religious professors of all denominations; and that the petitioners, expressing their lively gratitude for the concessions made to their religious rights, in the course of the present reign, earnestly but respectfully pray, that every remaining penal statute, which extends its operation to the province of religion, may be repealed; and that whilst they conduct themselves as loyal, obedient, and peaceable subjects, to the state, they, in common with all their fellow citizens, may be put in possession of complete religious freedom, and allowed to worship their Maker, and maintain their Christian profession according to their own views, and their incumbent duty, without being subjected, under the sanction of law, to any penalties or disabilities, in consequence of their dissent from the Established Church; and that the petitioners, confiding in the wisdom and justice of the House, pray that their cause may be taken into consideration, and the relief granted to them for which they supplicate."

Mr. W. Smith also presented a Petition from the there undersigned Protestant Dissenters, of the three denominations residing in and near the cities of London and Westminster; setting forth,

"That the petitioners esteem the capacity for religious worship as the highest distinction of their nature, and regard the practice of it as a sacred duty enjoined by Divine authority, but which can be acceptable in the individual only when performed with sincerity, and agreeably to the dictates of conscience; that they are hereby inevitably led to deprecate the interference of the civil magistrate in religious concerns, and to consider the unfettered exercise of private judgment in all matters thereto belonging as a right invaluable and unalienable, and which cannot be innocently surrendered to the pretensions of any human authority; and that, under these impressions, the petitioners are sincerely grateful for the important and progressive improvement of their condition in these points during the course of the present reign, and especially for the large concessions so graciously made in the last parliament; but there are some laws yet remaining upon our statute book, which they cannot but contemplate as inconsistent with the free exercise of religious worship, and which, if ever they deserved to be considered as proper guards against the dangers of any former periods, may now, even on their own principle, be safely abrogated, when those dangers have so long ceased to exist; and that the petitioners therefore cannot but indulge the hope, that the same wise and liberal spirit, the prevalence of which has already effected so much in their favour, will break every remaining bond, and abolish every shackle on the entire freedom of religious profession, and that they, in common with all their fellow subjects of every persuasion, may, while they conduct themselves as peaceable and obedient subjects, be permitted to reap the legitimate fruits of upright and loyal conduct in the allowance to maintain their Christian profession according to their own views of faith and duty, without being made liable to any legal pains, penalties, or disabilities, in consequence of their dissent from the Established Church."

On presenting the Petition from the Dissenting Ministers, Mr. Smith said he understood it was agreed to without opposition.

Mr. *Butterworth* would not have made any observation on the present occasion, had not the hon. gentleman stated, that the unanimous opinion of the Dissenting Ministers was in favour of presenting this Petition. During the last session of par-

liament, a proposition was made for presenting a petition, word for word with that which the hon gentleman had now brought up. In favour of the proposition there were 31 ministers, against it 25, and 12 were neuter; so that, in fact, a majority of the body did not coincide in its propriety. It was not, however, deemed expedient for those who were opposed to the Petition, and who were a minority, to take any steps on the occasion.

Mr. *W. Smith* said, that of the private transactions of the body, he did not profess to know much; but he would again aver, that the Petition was brought to him yesterday, by a deputation from the body of whom he spoke; that the meeting was called with all due, sufficient and formal notice; and that all who attended it signed the Petition. Even the names of some of those who disagreed (not from any dislike to the sentiments of the Petition, but from other circumstances) last year, were to be found amongst the signatures to the Petition which he now presented, and to which not the slightest opposition was manifested.

Mr. *Butterworth* observed, that some of the persons who were present at the meeting did oppose the Petition; but they did not wish to come to a vote on it.

The Petitions were ordered to lie on the table.

THE PRINCESS OF WALES.] The Hon. *Cochrane Johnstone* rose and said, that he intended to submit a motion to the House on Monday next, relative to the proceedings ordered by his Majesty to be instituted on the subject of her royal highness the Princess of Wales. The hon. member was about to offer some remarks upon the importance of this matter, which, he said, affected even the succession to the throne itself, when the Speaker interrupted him by stating, that in giving a notice, it was not usual to enter into any discussion which could possibly create a debate. The hon. member then concluded by observing, that he had thought it his duty, and had accordingly done so, to transmit a copy of the proposition he intended to move, to ministers, that they might be fully possessed of the line he meant to pursue.

HOUSE OF LORDS.

Thursday, February 25.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] The earl of Harewood presented a Petition from the inhabitants of Halifax, against the Roman Catholic Claims. The earl of Egremont presented a similar Petition from the borough of Lestwithiel. The earl of Shannon presented a Petition against the Roman Catholic Claims, from the county of Cork. The earl of Charleville presented a similar Petition from the Protestant inhabitants of the Queen's county. All these Petitions were read, and ordered to lie on the table.

Marquis Camden presented a Petition from the freeholders and inhabitants of the county of Kent, against the Roman Catholic Claims.

The Earl of *Darnley* observed, that although at the meeting where this Petition had been signed, a majority might entertain the sentiments of the petitioners, yet he knew it was far from being the unanimous feeling of the county of Kent on this subject. He referred to the opinion of the noble marquis himself, who was formerly so closely united with a celebrated personage of different sentiments to those of the Petition.

Marquis *Camden* admitted, that the Petition was not the unanimous sentiment of the people of Kent, and that his own opinions were somewhat different from those of the petitioners.

The Petition being read, was ordered to lie on the table.

The Earl of *Radnor* presented a Petition from the inhabitants of the county of Wilts, against the claims of the Roman Catholics.

The Marquis of *Lansdowne* thought it his duty to inform the House in respect to this Petition, which purported to speak the sense of the people of Wiltshire, that there had been a general meeting called in that county for the purpose of taking the claims of the Roman Catholics into consideration. A Petition was then agreed to, and signed by a great number of most respectable individuals, which was of a contrary tendency to this Petition, and was directed to be presented to the other House of Parliament. With respect to the Petition presented by the noble earl, it was subscribed not at any general meeting held for that purpose, but by signatures obtained at a number of places; and though he was ready to admit it contained the signatures of a few individuals as highly respectable as any in the county, yet there were others of a different description.

was about to present, but because it was a vote which must carry with it more than ordinary weight in the future discussion of this momentous question—a Resolution which passed that House at a time when much religious ferment existed throughout the country, and which was decided after the House had refused the Catholic Claims—(Hear, hear!)—but it now stood an honourable memorial upon the records of that House, of the change which had taken place in the minds and sentiments of that House—a change so great, which after some years of long, repeated, and elaborate discussion, had at last obtained the sanction of the legislature: a change of sentiment which four of the most illustrious statesmen that ever graced the annals of the British senate, concurred in, namely, Mr. Burke, Mr. Pitt, Mr. Fox, and Mr. Windham. The Petition he had now the honour to present, was from the same body of persons, for whom he had the honour of presenting a similar Petition last year—the Roman Catholics of England. They then took the liberty of enumerating their grievances, to which he should now shortly advert. The House must be aware that in one quarter of our dominions that principle of policy had been pursued which he should be happy to see extended to all; in Canada there was no distinction on the ground of religion, all there participated equally in the rights and privileges of a British subject, and it must be recollected that in that great convulsion which severed America from the mother country, Canada alone stood firm. In Ireland there still remained a remnant of that unprosperous policy; but the Catholics of England, who were the old stock of all the illustrious families of this country, who were always distinguished for their loyalty and attachment to their sovereign, still laboured under all the disabilities which had ever existed against them. They were excluded from holding any office under the crown; they were excluded from holding any civil office in the country; they were excluded from degrees in the universities; and the respectable Roman Catholic country gentlemen were living in hospitality among their tenantry, but prohibited from acting in the magistracy. The Roman Catholic freeholder was prohibited from voting for members of parliament; they might go into the army, but in order to procure rank the English Catholic must go to Ireland, and there he might obtain the rank of colonel, but no more, and if he again returned to this country, his disability was revived—if the English Catholic went into the navy, by going to Ireland he might arrive at the command of the squadron now lying at Cork; but if by any accident he touched on the shores of England, he was again liable to all the pains and penalties.—There were some persons who had a sort of superstitious reverence for this principle, and hugged themselves in it, as if it were the very talisman of the constitution. But the last parliament had thought differently, and had felt that these restrictions were an eternal disgrace to our statute books, and ought to be repealed. These petitioners trusted the present parliament would follow up the spirit of that resolution, and remove those disabilities. Among the signatures to this Petition, were the names of some of the most illustrious families of this country—they professed a different religion; different only from ours, so far as we had rectified and purified it—but in their ecclesiastical policy they were in many respects nearly alike, as well as in many other of their forms and ceremonies. All they asked for was to be admitted to the rights and privileges of a British subject. It must be recollected that when a weak monarch betrayed his country, the Roman Catholic nobility, and a Roman Catholic parliament, supported and maintained the constitution. Who displayed the glory of England in the ever memorable battles of Cressy, Agincourt, and Poictiers, but the Roman Catholic nobility? Who resisted the Spanish Armada, and opposed a papal power, when threatening an invasion of this country? The Roman Catholic nobility: and it must not be forgotten, that for a century and a half they were admitted to the legislature, and took an active part in the councils of the nation. They were supported by this country in Corsica—they were established in Canada—and more recently, not only with our money and our influence, but with our troops, we had supported a Popish people against an ambitious and tyrannical invader—we were not only fighting with Catholic soldiers in our pay, but Catholic generals in our service. He hoped therefore, that this House would take their Petition into its serious consideration: it would thereby secure to itself immortal honour, lay the foundation of our future peace and harmony, and ensure the strength and safety of the nation.

Mr. *Yorke* expressed his surprise that the right hon. gentleman should think it necessary to enter into so many topics that might occasion debate, merely on presenting a petition. It was not his intention now to reply to the remarks just offered, but he rose merely to state, that before the House entered regularly upon the discussion of the Catholic Claims he should move that another document, besides that produced at the request of the right hon. gentleman, should be read, and as often as the subject should be debated he should submit the same motion; it would be that the 9th, 10th, and 11th sections of the Act of the 1st of William and Mary, chap. 2, commonly called the Bill of Rights, be read.

Mr. *W. Smith* rose merely to observe, that the body of persons to whom he belonged, the Protestant Dissenters, had on former occasions availed themselves of the assistance of the right hon. gentleman (Yorke), and he was sorry to find that upon the Catholic question their opinions were completely at variance. The Catholics and the Dissenters differed it was true on points of faith, but in loyalty to the executive, and in attachment to the constitution, there was no distinction between them, and as a Protestant Dissenter he pledged himself never to stand up in that House exclusively to obtain the removal of the laws operating against the Dissenters, without coupling with it a motion for the restoration of their rights to the Roman Catholics, who were equally entitled to relief.

The Petition was then brought up and read at length by the Clerk, as follows:

To the Honourable the Commons of Great Britain and Ireland, in Parliament assembled,

"We whose names are under written, Roman Catholics of England, humbly beg leave to represent to your honourable House—

"That in the fourth session of the last parliament, the Roman Catholics of England presented a petition to your honourable House, stating the principal grievances under which they labour; and humbly praying relief:

"That in the last session of parliament, your honourable House came to a resolution for taking into its most serious consideration, early in the then next session of parliament, the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to a final and conciliatory adjustment.

"That your petitioners, fully confiding in the aforesaid vote of your honourable House, feel themselves called upon, in justice to their families and themselves, again to solicit your attention to the many penal and disabling laws to which the Roman Catholics of England are subject, for adhering to tenets purely religious; while they can confidently assert, without fear of contradiction from any part of their conduct, that in loyalty and fidelity to their sovereign, in attachment to the constitution, and obedience to the laws of their country, they yield to no class whatever of his Majesty's most loyal subjects.

"That your Petitioners, in thus again approaching your honourable House, beg leave to repeat, that they are actuated not more by a sense of the hardships and disabilities under which they labour, than by a desire to secure, on the most solid foundation, the peace and harmony of the British empire; and to obtain for themselves opportunities of manifesting by the most active exertions, their zeal and interest in the common cause in which their country is engaged, for the maintenance of its freedom and independence.

"That your petitioners beg leave to remind your honourable House, that they have cheerfully and readily taken the oaths, and signed the declarations, prescribed in the acts which have been passed for their relief; and have expressly disclaimed by them, every principle inconsistent with their duty to their king or their country, that has ever been charged against them.—And they further beg leave to observe, that the refusal of those oaths, the taking of which would at once liberate them from all the penalties and disabilities of which they complain, incontrovertibly prove how sacred they hold the obligation of an oath: your Petitioners also humbly conceive, that further securities cannot reasonably be required from them; but this, with a perfect spirit of conciliation, they leave to the wisdom and decision of the legislature, trusting and feeling confident that the legislature will never do or render nugatory its own work, by accompanying the relief granted, with any clause or clauses, to which your petitioners cannot conscientiously assent.

"Your petitioners therefore most humbly pray, That your honourable House will take into its consideration, the many

penalties and disabilities to which the Roman Catholics of England are subject, and adopt such measures for the total repeal of them as your honourable House shall, in its great wisdom and benignity, deem expedient."

It was then laid upon the table.

MR. GRATTAN'S MOTION FOR A COMMITTEE ON THE CLAIMS OF THE ROMAN CATHOLICS.] On the motion of Mr. Yorke, the 9th, 10th and 11th sections of the Act of the 1st of William and Mary, chap. 2, commonly called the Bill of Rights, were read by the Clerk. After which,

Mr. *Grattan* rose and said:

Sir; I am very happy that the right hon. gentleman has caused those passages in the Bill of Rights to be read to the House, for I am distinctly of opinion, that the qualifications, which it enumerates as the indispensable accompaniments of the sovereignty of this empire, ought to form a part of the preamble of any bill, which may be introduced, into parliament, for the relief of the Roman Catholics; for, Sir, it is most necessary and most wise that, whenever we admit the Catholics to the privileges which they claim, we should ensure to the Protestants the unendangered continuance of all the privileges, which are founded on the Act of Settlement. The same measure which gives liberty to the one, should give security to the other.

I rise, Sir, to support the Petition which I had the honour to present, from the Catholics of Ireland. I am sure I may say, without fear of contradiction, that this Petition is, generally, from the Catholics of Ireland. It is substantially true, that it conveys the wishes of that whole body. The motion which I mean to make is, that the House will resolve itself into a committee, in pursuance of the Resolution which, at the desire of my right hon. friend, has been read by the Clerk at the table. Sir, I know very well, that a resolution of a former parliament cannot bind its successor; at the same time, I do not conceive that I am guilty of any impropriety in referring to the resolution of a former parliament.

I have to lament, and it would be miserable affectation not to acknowledge it, that the petitions against the claims of the Catholics are very numerously and very respectably signed. I have to lament that there are still, in my native country, many individuals, enlightened in other respects, but fallible on the subject of religious distinctions. I have also to lament and condemn the vehement manner in which some of these petitions denounce the Catholics. I will avoid the example; and in the allusions which I may find it necessary to make to the Protestant petitions, I will speak of those, from whom they have proceeded, with the highest respect. I do respect and love many of them. I dissent partially from their opinions; but I respect and love them personally. Nay, more, I will consider them, not as present enemies, but as future friends to the Catholics. They live in the same country, they are embarked in the same cause, they have the same battles to fight, against the common enemy, for the common interest. Never can it be my wish to widen the breach between great bodies of men. The particular object of the Catholic petition itself is general concord. Never can I think that any difference in religion must necessarily lead to civil discord. Never can I believe that revelation came down to us a firebrand, to justify parliament in withholding, from a part of the subjects of the realm, their just rights.

Sir, I am the more induced to hope that the cause which I have undertaken humbly to advocate will ultimately be successful, because I recollect that, in the Irish parliament of 1792, some general and strong resolutions were adopted against the claims then made by the Catholics: and that, in the next session, more was actually granted to the Catholics than they had claimed. The understanding of the Irish parliament enlarged with the exigency of the state. I trust that this will be the case with us. With this view to the ultimate success of Catholic emancipation, I beg leave to make a few observations on the Anti-Catholic petitions on your table, using that liberty with the arguments they contain which my cause may require; but maintaining the greatest respect for the persons who have signed them, and who, I am persuaded, are sincere in that, which I, nevertheless, consider to be a very mistaken view of this important subject.

In the first place, Sir, I object to the manner in which, in many instances in this country, and more particularly in Ireland, these petitions have been obtained. In Ireland they have been the consequence

of a requisition to the sheriffs of the respective counties, to call a meeting of the Protestant inhabitants. Now, it appears to me to be exceedingly objectionable for a public officer to call the people together in sects; and to give, to a private and party meeting, the authority of a public assembly. Again, it appears to me exceedingly objectionable thus to separate religious sects, and to give the semblance of public authority to religious animosities. I object again to calling one part of his Majesty's subjects to petition against another; and still more do I object to their petitioning another country against the liberties of their own.

Sir, I beg not to be understood as casting any reflections on the Irish Protestant petitioners; but their object has evidently been neither more nor less than this—to intreat the parliament of this country not to grant civil liberty to the great body of the people of Ireland. They petition us to inflict on their countrymen a sentence of perpetual incapacity: they petition us to announce to Ireland, the destination of being for ever a divided colony, and to impress on the general sense, an acquiescence in the necessity of this being a divided empire. Sitting for a moment, they have given judgment for eternity. Let us consider a little their reasons for this judgment. One of the first observations which these petitions contain, is, that the tone which the Catholics have assumed renders it unwise to grant their claims. But that is not the question. We are not, in the parliament of the united empire, entering into an examination of the arguments which may have been urged in this or that body. We are not enquiring whether Mr. A. or Mr. B. may or may not have spoken too freely. What has the conduct of any particular assembly to do with the great body of the Catholics? The question is, shall the great body of the Catholics of Ireland be emancipated? The opponents of the Catholic claims say, that they ought not to be emancipated, because Mr. Fitzpatrick published a libel. But this is not a question dependent on such circumstances. I do not say that there may not have been much warmth exhibited in the discussion in Ireland; but I say that the question is—can you, in any of their proceedings, charge the Catholics with want of allegiance? It is a question of allegiance. If it can be shewn that the Catholics of Ireland have shewn a disposition adverse to loyalty, then my motion ought to be rejected. But if, on the contrary, there does not appear any disaffection in their proceedings, in their speeches, or in their general conduct, then the resolution of thanks to the Irish Catholics, which was involved in the resolution of thanks to the army which gained the victory of Salamanca, should be followed up in its full and genuine spirit; and the Catholics of Ireland should be considered as entitled to the same civil liberties, as the other loyal subjects of his Majesty's empire have a natural and legal right to possess.

Having thus stated the question to be one of allegiance, let us proceed, Sir, to examine how the Anti-Catholics have made out their case. They say, that the Catholics desire political power. Why should they not? Why should they be sentenced to utter and hopeless exclusion from all political power? But, Sir, the Catholics have not applied for political power. They have applied for political protection; and no farther for political power than as political power is inseparable from political protection. The Catholics, having given pledges of their allegiance, desire not to be bound in fetters, from which their fellow-subjects are free; they desire not to be taxed without their own consent; they desire not to be tried by persons who are exclusively partizans—not only partizans, but who are actually covenanted against them. To the enquiry, 'What is your wish?' they reply, 'We wish for our liberties. We do not demand this or that office, but we desire to possess our just civil qualifications.' Do you understand them? Is this ambition? If it is ambition, then was Magna Charta ambition—then was the Declaration of Rights ambition. Protection, not power, is the request of the Catholics. The Catholic petitioners ask for protection; it is the Protestants who ask for power. The Protestants ask for the ascendancy of their sect—the Catholics ask for the ascendancy of the law. Let me repeat, that I wish to treat the Protestants with all possible respect. It is natural that they should be tenacious of their peculiar privileges. But, unquestionably, they desire, by their petitions, to keep all the patronage of Ireland in their hands,—to maintain a continued ascendancy—to govern the other sects in the country; while the Catholics only desire, in their petitions, that the whole should be governed by an equal law.—The Protestant

petitioners assert, that the Catholics want power, in order to make laws for the Protestant church. No, they only desire, as I have before stated, not to be taxed without their own consent—not to be tried by partizans, nor juries called by partizans. Their prayer is, that the Protestant church should be governed, not by Catholics, but by Protestants; for the Catholics know, and the Protestants know, that under any circumstances, and after any concessions, the majority in this House must be Protestants, and that, by that majority, the laws for the Protestant church must be made. But the members of the Protestant church, who have petitioned us, desire to make laws exclusively for the Catholic church. They wish to controul the conscience of the Catholic, as well as to bind him in other respects. They are willing to receive the tithes of the Catholic labour, but they desire to exclude the Catholic from a participation in the blessings of the constitution. Their argument is this, 'the persons who regulate the Protestant Church should be of that Church.' Why, then, all the Scotch members of this House ought to be sent away. All who do not profess to hold the doctrines of the church of England ought to be sent away. The tendency of the argument of these gentlemen is, that we ought to have a church government. But ours is not a church government, it is a representative government: it includes all classes, all religions, all descriptions of persons, except the Catholic and the churchman. The principle on which these gentlemen insist will prove fatal. If you confine the enjoyments of the constitution to the limits of the church of England, you will endanger the empire; if you extend it to all religious persuasions, you will place the empire in a state of security.

The parliament is justly called imperial. It is not a partizan. The Catholics of Ireland make a part of the third estate. Is it not so? Is not the great body of electors in Ireland Catholic? Does it not follow that a part, and that no inconsiderable portion, of the third estate is already Catholic? And can we, for a moment, suppose that this is incompatible with the genuine principles of the British constitution? But the fact is, Sir, that the Protestants will and must have the ascendancy in the state. The great population of the empire is Protestant—the great property of the empire is Protestant. This ascendancy the Protestants have a right to possess, but they ought to possess it, not by the exclusion of their fellow subjects from a participation of civil liberty, but in virtue of their superior numbers and property.

Sir, in the provision for the royal authority being exclusively Protestant, the Protestant interest has another great and wise security for the maintenance of its ascendancy. The admission of the Catholics to their civil rights will be entirely co-existent with the maintenance of the Protestant ascendancy; and, by granting that admission, you will strengthen and fortify the whole empire. To grant the Catholics their privileges, will be to identify the people; for it is by granting them their rights that you must expect to identify them, and not by keeping them in chains. To grant the Catholics their privileges, maintaining the just ascendancy of the Protestants, will be much more effectually to support the state, and much more effectually to support the church, than either can be supported by a monopoly of power, and without that identification of the people of the two countries, which such a measure alone can insure.

Superficial, indeed, are the arguments of the opposers of emancipation. They think that the admission of five or six individuals (such men as lord Fingal, and other enlightened members of the Catholic body) into parliament, will be productive of injurious consequences, but, to the alienation of four or five millions of persons out of parliament they attach no importance!

A right hon. gentleman has talked of the pains and penalties which, as he thinks, were justly inflicted on the Catholics at the time of the Revolution. They were not, however, the effects of the Revolution, but took place long after the reign of queen Anne. As to the exclusion of the Catholics from political power, at the period of the Revolution, that was not an original idea at that period, but arose out of and was founded on the fabricated plot of Titus Oates, the severities occasioned by which were even mitigated at the Revolution. And will parliament make the madness of that time the rule by which the liberty of their fellow-subjects is to be regulated at all times? 'But,' say the Anti-Catholics, 'toleration in England is greater than in any other country.' Sir, I know very well, that the principles of every established church are in some de-

gree hostile to toleration: there is scarcely any church which will tolerate so extensively and liberally as a wise parliament ought to do; but when it is maintained that toleration in England exceeds that of any other country—that it is perfect—I must declare my opinion to be the reverse.

Abroad, in Catholic countries, persons professing a difference of religious sentiments, enjoy, not only toleration, but qualification—at home, in a Protestant country, persons professing a difference of religious sentiments are not only disqualified, but hardly tolerated. Abroad, sectaries enjoy toleration, united with qualification—here, they have a scanty toleration, united with pains and penalties.

In France, for instance, no man is disqualified on account of his religious opinions. In Hungary, toleration and qualification are completed. I will read an edict issued by the Hungarian diet, in 1791. It declares, "that all persons shall have free exercise of their respective religions, with full liberty to build churches, erect steeples, found schools, form churchyards, &c. without impediment." So much for religious toleration! Now for civil qualification. The edict proceeds to say, that "the public charges, offices, and honours, high or low, great and small, shall be given to native Hungarians, who deserve well of their country, and who are competent to hold them, without any regard to their religious persuasions." This is the declaration of a Popish diet, This proceeds from one of those nations which, according to the Anti-Catholics, has no idea of toleration, as compared with this country! This Catholic government gives not only toleration, but qualification, and the Catholic church acquiesces in the gift. We give toleration without qualification; and we accompany that toleration with pains and penalties. The Anti-Catholic petitions require, that those pains and penalties should be continued. The petitioners seem totally ignorant of the real state of things. They declare generally (mayors and corporations) that the principles of the Catholics are the same as they were at the worst of times. They state, and they state it after the demolition of the Vatican—after the prostration of the inquisition—after the fall of the Pope, that religious toleration and that civil qualification ought not to be granted, which is allowed in every great country in Europe, England excepted. They assume that to be true in argument, which is false in fact. They quote Catholic writers, who have said that the fathers and they hold the same opinions; and on this the Anti-Catholics found a monstrous mis-statement.

Sir, the Catholics of the present day have evinced their principles by their oaths. They have abjured every criminal tenet attributed to their ancestors. In taking an oath, framed by a Protestant, enacted by a Protestant parliament, and going into the minutiæ of rejection, the Catholics have acquitted themselves, by a solemn obligation, of the principles formerly imputed to them. They nevertheless, maintain, that there is no difference of opinion between them and their ancestors, because they maintain, that their ancestors were charged unjustly with entertaining criminal opinions. This defence of their ancestors has been converted into a crimination of themselves; and they are suspected of maintaining doctrines, an adherence to which they deny on oath.

It is said, by the Anti-Catholics, that the Catholics have been, and are always the same. The Catholics allow that a true Catholic was and is always the same; but they add, that a criminal Catholic is not a true one. "But the Catholics are enemies to the Church of England." Believe me, Sir, it is a very hasty and imprudent assertion; it is one calculated to make the Catholics that which they are not—enemies to the Church of England. If it proceeds from high authority, it might be seriously dangerous; but coming as it does, from persons, however respectable, whose opinions are not entitled to very serious consideration, it may be comparatively innoxious. Sir, why should the Catholics be enemies of the church of England? If the endeavours of the Catholic to obtain his civil liberties be opposed by the church of England, then it is not the Catholic which is the enemy of the church of England, but the church of England which is the enemy of the Catholic.

What is it, Sir, which is to make a Catholic an enemy to the church of England? Is it his doctrine? Is it the doctrine of penance, of absolution, of extreme unction? The affirmative would subject the affirmer to the most just ridicule and scorn. So much for the hostility of the Catholics to the church! 'But,' it is said further, 'the Catholics are enemies to the state.' [Some honourable members on the other side of the House observed, that they were so 'in principle?']—In principle! Sir, I deny it. How are principles to be ascertained but

by actions? If they are enemies to the state, let us go into the committee; and let those who allege that the Catholics are enemies to the state, support their allegations by evidence. If they plead the canons of the council of Lateran, of Constance, of Trent, I will produce authority of a much higher description; I will adduce the testimony of the parliament of the united empire. I will quote the thanks of that parliament unanimously voted to armies, of which a large component part was Catholic, for the most important service rendered to the state.

Sir, the opponents of the Catholics go on to assert, that they are enemies to liberty. What! the authors of Magna Charta enemies to liberty! And have the Catholics shewn no other attachment to liberty? I say that the very Declaration of Rights, which, on the motion of the right hon. gentleman opposite, was read by the clerk, sufficiently shews the attachment of the Catholic to liberty: for what does that declaration? It does not enact new laws, but it re-affirms those which the declarers found already established; and by whom were they established? Who were their authors? The Catholics—those alleged enemies of the church—those alleged enemies of the state—those alleged enemies of liberty! Why did the legislature, at the period of the Revolution, go no further than to declare the law? Because the Roman Catholics had not only been friendly to liberty, but had established the principles of liberty by statute, that the wisdom of the reformers could not exceed their distinct enactments.

Sir, what is the amount of the charge now preferred against the Catholics? That they are governed and swayed by all those canons which, they contend, have been grossly misinterpreted; but which, however interpreted, they have forsworn. They are accused of maintaining the deposing power of the Pope—of cherishing regicidal principles, and of asserting the right of perjury. On these assumptions, and in this enlightened age, the Catholic is not only not admitted to the constitution, but formally excluded from it. Sir, I defy those who are hostile to Catholic concession to support their positions by any thing but by these canons—nugatory, contemptible, obsolete, and denied by the Catholics themselves. What were the answers made by the Universities of Salamanca, Paris, Alcala, Louvain, Douay, and St. Omers, to the questions put to them?

"1. Has the Pope, or cardinals, or any body of men, or any individual of the church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?

"2. Can the Pope, or cardinals, or any body of men, or any individual of the church of Rome, absolve or dispense with his Majesty's subjects from their oath of allegiance, upon any pretext whatsoever?

"3. Is there any principle in the tenets of the Catholic faith, by which Catholics may break faith with Protestants, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature?"

They were asked whether the Pope had a deposing power, and whether it was a tenet of the Catholic religion to hold no faith with heretics? Sir, on the best authorities, I can assert that those learned bodies were disposed not to deny, but to ridicule, the opinions imputed to them—not to reject, but to scorn them. They, however, answered, that the pope had no such deposing power, and that, as to the supposition that the Catholics would keep no faith with Protestants, they were almost ashamed to say any thing on the subject.

Sir, a book has been alluded to, used by the students at Maynooth; and it has been adduced as decisive evidence, not only of the criminal principles of the Catholics, but as a proof of the criminal principles, which the posterity of the existing Catholics were doomed to imbibe, by its being rendered available to the purpose of their education. These criminal principles are the authority of the Pope to depose royal authority; the consequent regicidal disposition of the Catholics, and the tenet that no faith is to be kept with heretics. The work I allude to, Sir, is called Tractatus de Ecclesiâ; and, with the permission of the House, I will read several passages to shew how baseless their assertions are. [The right hon. gentleman here read some extracts from the book in question. They stated that Christ had not granted to St. Peter direct nor indirect power over the temporal concerns of kingdoms; that, by the kings and emperors of states alone, the supreme temporal establishment of them ought to be held. That the declarations of pontiffs were not to be considered as infallible, nor as points of faith which it was necessary to salvation to believe.]

Here, then, Sir, is a book which has been traduced as a concentration of evils; and it appears that it enjoins principles, directly the reverse of those which have been ascribed to it. When such are the misrepresentations which are circulated, the result is not surprising. But there is another work of higher authority to which I wish to refer. I mean the Common Prayer Book of the Catholics. [The right hon. gentleman here quoted several passages from the Catholic Prayer Book; the tenor of which was, to declare that no general council, much less a papal consistory, had the power of deposing sovereigns, or absolving subjects from their allegiance;—that the Pope had no authority, direct or indirect, over temporal affairs;—that, notwithstanding any papal interference, all Catholic subjects were bound to defend their king and country, at the hazard of their lives and fortunes, even against the Pope himself, should he invade their country;—and, that the alledged duty of Catholic subjects, to murder their princes, if excommunicated for heresy, was impious and execrable, being contrary to all the known laws of God and nature.]

I have another instance with which I shall beg leave to trouble the House, and which will go to complete the chain of proofs which shew the Catholics are not without principles of allegiance, and which will acquit them of every charge and imputation on their loyalty. I mean the oaths which are prescribed to be taken by Catholics by the 31st and 33d of the King. The oath of the 31st, which must be taken by Roman Catholics in England, runs as follows:

"I, A. B. do hereby declare, that I do profess the Roman Catholic religion.

"I, A. B. do swear, that I do abjure, contemn, and detest, as unchristian and impious, the principle that it is lawful to murder, destroy, or any ways injure any persons whatsoever, for or under pretence of being a heretic: and I do declare solemnly before God, that I believe, that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever: I also declare, that it is not an article of the Catholic faith, neither am I hereby required to believe or profess, that the Pope is infallible, or that I am bound to obey any order, in its own nature immoral, though the Pope, or any ecclesiastical power, should issue or direct such order, but, on the contrary, I hold, that it would be sinful in me to pay any respect or obedience thereto: I further declare, that I do not believe, that any sin whatever committed by me can be forgiven, at the mere will of any Pope, or any person or persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution, without those previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament; and I do swear, that I will defend, to the utmost of my power, the settlement and arrangement of property in this country, as established by the laws now in being; I do hereby disclaim, disavow, and solemnly abjure, any intention to subvert the present Church establishment, for the purpose of substituting a Catholic establishment in its stead; and I do hereby solemnly swear, that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion and Protestant government in this kingdom.——So help me God."

But the oath of the 33d of the King, which is particular to Ireland, I beg the House to pay every attention to:—

"I, A. B. do hereby declare, that I do profess the Roman Catholic religion.

"I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty, King George the 3d, and him will defend to the utmost of my power, against all conspiracies and attempts whatsoever that shall be made against his person, crown, or dignity: and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise, to maintain, support, and defend, to the utmost of my power, the succession of the crown; which succession, by an act, entitled, 'An Act for the further limitation of the crown, and better securing the rights and liberties of the subject,' is, and stands limited to the princess Sophia, electress and duchess dowager of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and

abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of these realms: and I do swear, that I do reject, and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for, or under pretence of, their being heretics or infidels; and also that unchristian and impious principle, that faith is not to be kept with heretics or infidels: and I further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes, excommunicated by the Pope and council, or any authority of the see of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: and I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinions, contrary to what is expressed in this declaration: and I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the see of Rome, or any person whatever, and without thinking that I am, or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or authority whatsoever, shall dispense with, or annul the same, or declare that it was null or void.——So help me God."

Now I ask what further answer you require to the charges urged against the Catholics? There is no further—an indictment or information—a criminal proceeding is the only answer. The petitioners against the Catholics may say what they choose as to their good intentions, but with respect to the pamphlets, which charge them with murder and treason as their creed, they must charge them with perjury also. If such a pamphlet were written against my lord Fingal or sir Thomas Bellew, the printer would say in vain that he did not mean such an imputation. Suppose lord Fingal should indict the author, would he be suffered to produce the canons in his defence? Would my lord Ellenborough or any other judge, suffer him to extenuate the offence, by citing the decrees of the council of Constance, or the council of Trent?—No! But the author might urge in his defence, that he had no particular meaning injurious to lord Fingal or sir Thomas Bellew, but only to four millions of his Majesty's Catholic subjects. But there is another refutation of such a charge against the Catholics—the impossibility of its truth: it amounts to such a pitch of moral turpitude, as would burst asunder the bonds of civil and social intercourse; it would be a dissolution of the elements of society, and of the elastic principle which binds man to man. It is not merely unfounded, but monstrous; it is not in the nature of man, but in the nature of sects, which, when they contend for power, charge each other with what they know to be false.

But there is yet another answer, which some of those learned divines, who have acted so conspicuous a part of late, would do well to make themselves more familiar with, before they persist in such monstrous charges against their Catholic brethren—the Christian religion. I speak of the account which they give of that religion when they pray—and then I will give their account of the same religion when they petition. In their prayer they say that their Redeemer was sent as an atonement for the whole human race, but in their petitions they say that Christians in general are monsters. They add, that the Deity has been deaf to all the nations of the earth except this; and that here the knowledge of the true religion is confined to certain colleges and corporations—that this is done by certain barriers—and that those barriers are nothing more than the restrictions by which they keep all the power and all the profit to themselves. He is not the same God when they pray and when they petition, and therefore the charges in this Petition must be false.

I beg here again to profess great respect for the petitioners. I hope the time is not far distant when the Catholics and Protestants shall be one people, and when they will act together against a common enemy in a common cause. But what is the proposal of these petitioners? To exclude for ever a great portion of their fellow subjects from the constitution. This is a pretty strong proposal. Why do they

make it? Because the Catholics are traitors and murderers. It is a proposal to exclude no fewer than one-fifth of the whole population of your empire from all political influence. I say if you allow these things to go on—if you do not put a stop to this torrent of contumely, you will scold these unfortunate men out of all connection with you. But it becomes the Commons House of Parliament to consider, not whether any causes of discord unfortunately exist, but whether you have the elements of concord within your power.

You say on the one part, that there are legitimate objections, and you enumerate the evils which may arise from the removal of the disqualification of the Catholics. But a great portion of the Protestants of Ireland have not seen those evils. They have petitioned in favour of the Catholics. I have a book filled with their names in my pocket. I know that it will be said again, that the Catholics insist on conditions. I will not take this argument—you, the Parliament, are to frame your Bill, and to propose your conditions—the Catholics do not see what security they ought to give—they say that they have already given every security; though a synod of their bishops has declared that they have no indisposition to every mode of conciliation—'We seek for nothing,' say they, 'but the integrity of the Roman Catholic church;' but every thing which does not trench on the security of their church, or which is necessary for you, they are ready to grant you. They are against making their liberty a conditional boon; they do not see the necessity of what you demand, but they will give you every security you think necessary, provided it does not derogate from the rights of their church. Then, I say, the privileges of the Catholics and the rights of the Protestant church are perfectly consistent, and parliament should find the means of reconciling them.

Give me leave to say, as to the Anti-Catholic petitioners, that many of them do not profess themselves hostile to the principle, but anxious about the mode of extending those rights claimed by the Catholics. They do not say, 'exclude the Catholics,' but do not admit the Catholics unless you take care of our religion. I do not say, that I am obliged to agree that the church of England is an enemy to the liberty of the Catholics—still less that the people of England are enemies to their liberty—so far from it, that I would little fear to repose the question on their good sense and sober integrity. I do believe, that, if they thought their religion was safe, they would be among the warmest friends of the Catholics. The only point, then, is the security of the Protestant church, and, for that, they have pointed out the means—they have no right to say that they are the only judges of the conditions to be imposed, or who are to tell you that you can only save the church of England by denying their prayers to the Catholics of Ireland. You shall have declared, in the strongest manner, all the securities you can ask; you shall have the crown and its succession confirmed, as fundamental, unalienable, and sacred; you shall have the episcopal church of England, Ireland, and Scotland, as established by law.

Some of the petitioners against the Catholics, desire the separation to be eternal; I would secure the church and the state by identification; they would do it by patronage—I by union. I would effect every object by bringing in a Bill, which should contain such provisions as would guard the rights of the church, and the colleges, and the corporations; and I would leave other provisions, to be filled up by others in the committee, provided they were not filled up in such a manner as to qualify, or rather to neutralize, the liberty you were conceding, or to displace the gift you were bestowing. Such a measure I think practicable, and I know it to be desirable. This preamble I would make a covenant of concord, in which I would urge the necessity of putting an end to all animosities, national and religious.

The two islands have been, for two centuries, in a state of political contest—I would put an end to it—I would have the liberty of the press unrestrained in every thing but one—the people should not abuse one another out of their allegiance. They have the French and the Dutch to quarrel with abroad, and they may quarrel with ministers at home, or if they do not like that, they may attack the opposition: But they should never wage war against each other. It is a system which you cannot put an end to too soon—you are one people—you have but one interest—the outcry, which is raised among you, is neither the voice of religion, nor the voice of nature, and it cannot be appeased too soon. I would therefore propose as a first step, that the House should go into a committee on the Catholic claims, agreeably

to the Resolution of the last parliament, and I would now read the resolution which I should bring forward in the committee as the foundation of a bill.—The right hon. gentleman then read the Resolution to the following effect,—"That with a view to such an adjustment as may be conclusive for the peace, strength and security of the English constitution and the ultimate concord of the British empire, it is highly advisable to provide for the removal of the civil and military disqualifications, under which his Majesty's Roman Catholic subjects at present labour, making full provision, at the same time, for the maintenance and security of the Protestant succession to the crown, according to the Act of Limitations, and for preserving inviolable the Protestant episcopal church of Great Britain and Ireland, and the church of Scotland, their doctrines, discipline, and government as by law established."

I now move, "That this House will resolve itself into a Committee of the whole House, to take into its most serious consideration the State of the Laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects."

Mr. *William Edward Tomline* addressed the House, in a maiden speech, as follows:

Sir; I rise, with great diffidence, on the present occasion, conscious of my inability to offer any thing, which may have the commendation of novelty, upon a subject so repeatedly discussed by persons the most distinguished for talents, for knowledge and for political experience:—but, forcibly impressed with the variety of considerations it involves, and the importance of the interests it affects, being no less than the rights and privileges we enjoy as Protestants, I cannot, consistently with the conscientious discharge of duty which, as a member of this House, I feel myself called upon to perform, be content with giving merely a silent vote upon a question so incalculably momentous.

It is my wish to avoid every expression, to abstain from every argument, which can tend to increase jealousies, and inflame animosities, already far too prevalent and too bitter; sensible that the House will best command the respect, and insure the confidence, of the nation, by a discussion, perhaps the most important which could be agitated within its walls, conducted without rancour or asperity, of claims urged, on the one hand, with zeal, but without violence, and resisted, on the other, with firmness, with uncompromising firmness, but without hostility.

Before I proceed in the consideration of the main question, I am anxious to advert to an argument, frequently adduced in its support—viz. that, amongst other great authorities quoted as favourable to the measure, an appeal had been always made to the opinions of Mr. Pitt. I am particularly anxious to state those reasons which induced me to draw, in some degree, at least, a different conclusion from that which is usually drawn, and to diminish, very considerably, the force of an appeal to the principles of one, under whose sanction so many of his strenuous opponents, while living, are now glad to shelter their opinions, and to whom so many of his zealous adherents profess that they are willing to submit their own judgment. I wish not, Sir, to enter into any detail of what passed at the end of the year 1800, or the beginning of the year 1801, when the most able and most virtuous minister who ever presided over the councils of this or of any other country, was induced to resign, because he had not permission, from a certain quarter, to propose any measure the object of which should be to enable Roman Catholics to hold any office or situation of trust or power; but, Sir, I may, I hope, be allowed to say, that it was then generally known, that this resignation took place before any specific measure was actually proposed—the end was, upon principle, objected to, and therefore it could answer no purpose to examine into the means. It is also certain, that no explanation nor statement of what was really intended was ever made in this House, although the great man to whom I allude lived five years after his resignation, and the subject was frequently discussed in parliament. But, if there were no public avowal of his precise intentions, did he ever communicate any plan to his colleagues in office? The noble and learned lord who now holds the great seal, and who is known to have stood very high in Mr. Pitt's esteem and

confidence, has declared that he never heard any particulars of such a plan from Mr. Pitt; and, if I be not mistaken, he went so far as to say, that he did not believe that Mr. Pitt had formed any plan—and if, to this positive declaration, we add the silence of his other colleagues in office, we seem warranted in asserting, that, in reality, Mr. Pitt had no plan. We all know that, upon every future occasion, he discouraged and opposed the discussion of the Catholic claims, and that he afterwards took office, with an express understanding that he was not to bring the question before parliament.

If, then, it be recollected, that the difficulty about the Popish question arose suddenly and unexpectedly at the end of the year 1800, when Mr. Pitt had certainly not so far considered the subject as to form a definite plan; and if, with this circumstance, we couple subsequent facts, would it be too much to infer, that there is a probability that Mr. Pitt, after more mature consideration, and perhaps after a more full and more correct information relative to the state of Ireland, might, in some degree at least, change his opinion respecting the importance or the practicability of that measure, which he once had in contemplation.—By practicability, I mean its consistency with the safety of our established church; a standard to which Mr. Pitt invariably referred. —But, whatever may be thought of this inference, it seems undeniable that a substitute for the present test was a matter of great difficulty, even to Mr. Pitt; and no one will presume to assert, that he ever had in contemplation the unconditional and unqualified repeal of all disabling statutes. His comprehensive genius, his almost intuitive quickness in removing obstacles, and in devising plans, upon every subject to which human intellect is competent, are well known; and it cannot be denied, that the proposal of a plan, effectual to the purpose in question, and free from all danger and objection, would have been highly to his honour, as well as a complete justification of his conduct. But he never did propose such a plan—and, after the time to which I allude, he never declared that he believed such a plan to be practicable. And who will hope to succeed where Mr. Pitt failed? Who will enforce the necessity of perseverance in a measure which Mr. Pitt abandoned? Who will say that that measure is indispensable, which Mr. Pitt consented not only not to bring forward, when placed in the responsible situation of first minister of this country, but if brought forward from any other quarter, to resist and oppose?

Reflection seems to have convinced Mr. Pitt that he had attached more importance to the measure than it really deserved; for he almost instantly declared that he would never bring forward, nor support, the measure, during the present reign. Did this look as if he considered it as of vital importance? Or, if he had considered it of vital importance, and had been conscious of possessing a plan safe and practicable, would he not, when he found his health declining, have left it in writing, to be hereafter adopted? When circumstances would permit, would he not have communicated it to some confidential friend? I will venture to affirm that no such writing was left—no such communication was made.

It is by no means a matter of surprise that gentlemen who favour the popish claims should wish to avail themselves of Mr. Pitt's great name; and my anxiety that more weight may not be given to his authority than circumstances will really justify, must be my apology for having entered into these particulars. The advocates for the unconditional repeal of the disabling statutes cannot appeal to Mr. Pitt, as of this he had no idea—nor can it be said that any one specific plan of substitution, which may be proposed, would have had his approbation. The utmost which can be said is, that Mr. Pitt had once a general idea that a plan might be devised for admitting Roman Catholics to office, and situations of trust and power, without endangering the constitution; but there is no ground for asserting that he retained this opinion till his death: and there is a moral certainty that he never did form such a plan, and that he never would have consented to the removal of these statutes, without substituting others which, in his opinion, would afford equal security for the preservation of our civil and religious liberties.

Sir, I am aware that any argument, deduced from authority, however high, is not the argument which can or ought to determine the judgment of this House. It is to the expediency or the inexpediency, to the danger or security of any measure, that this House ought to direct its deliberative wisdom. Before I proceed to examine the nature and effect of these

claims, it is natural I should wish to call the attention of the House to the present situation of the Roman Catholics in Ireland; in order to ascertain whether there be any just foundation for those arguments deduced from their alleged state of bondage and oppression, and for those appeals to our justice and humanity, by which so many attempts have been made to influence our judgment. I am aware how difficult it must be to counteract those feelings which the eloquence just exerted in their behalf cannot fail to have excited in every breast; feelings which, were I not convinced that the picture which has been drawn exists only in imagination, I trust I should ever cherish with delight, and avow with eagerness.

Sir, were we to listen with impartial reliance upon the representations of the right hon. gentleman, we should be led to believe that the Roman Catholics of Ireland were, by us, condemned to drag on a miserable existence, expelled, as it were, from the bosom of their native country, struggling with all the inventions of tyranny, and contending against all the machinations of persecution; neither secured in their property from plunder, nor in their persons protected from outrage; but borne down with afflictions, which they cannot alleviate, and overwhelmed with sorrows which they cannot avert: in poverty, amidst surrounding affluence which they cannot enjoy; in slavery, amidst universal freedom, from which they are excluded; in misery, amidst pre-eminent blessings, in which they are doomed not to participate.

Such is the portrait exhibited for our commiseration, and such the condition we are called upon to ameliorate. But can any one, uninfluenced by prejudice, can any one uninflamed by passion, for an instant, contend that the representation is just? On the contrary, are they not governed by the same impartial laws, associated in the same interests, and members of the same community with their Protestant fellow-subjects? Is not every encouragement afforded to their industry, every regard paid to their welfare, and every exertion made for their happiness, equally with ourselves? Are they not in the undisturbed possession of their religion? Is not their hierarchy protected, and are they not, by law, secured in the complete observance and unmolested celebration of all their sacred rites? Is there not a college founded and maintained at the public expence, for the sole and exclusive purpose of educating their youth, according to their own principles, and instilling into their minds their own doctrines and tenets? Have they not even their share of political influence, by the unqualified admission to the elective franchise? In short, though, for reasons which we shall come to presently, the higher ranks are precluded from attaining some of the most exalted stations of power and of trust, can it be said that the body of the Roman Catholics are not in the perfect enjoyment of all the accumulated blessings of our invaluable constitution?

Without entering into the necessity of a church establishment; without arguing the duty, incumbent upon every government, to provide for its security; because I believe they are truths which few, if any, members of this House will be disposed to deny, and without now considering whether the disabilities which exist are more or less than are essential for that purpose, I will assert as an incontrovertible position, that no laws, enacted for the preservation of the national religion, can be oppressive, no conditions, annexed to the profession of a different religion, can be unjust, either in a moral or in a political point of view, provided they neither affect the freedom of the subject, nor diminish the security of his property; provided they exclude him from none of the comforts of social life, and impose no restraint upon the liberty of conscience. It has been frequently said, and cannot be too often repeated, that all offices are created, not for the benefit of individuals, but for the advantage of the public: and if the majority of those whose happiness is the object to be promoted, and whose sentiments and principles are to direct all the civil and political regulations, shall determine that, for certain situations artificially created, certain qualifications shall be necessary, those who shall be disqualified can have no reasonable cause to complain of hardship, nor of any real grievance: they may indeed, with justice, look for protection, but they ought not to expect confidence, being deficient in the very foundation of confidence —attachment to those provisions which would be entrusted to their care.

If, then, the Roman Catholics cannot claim these concessions as a right, is it expedient, as an abstract question of policy, that they should be conceded? Here a field of discussion opens to our view, as

boundless in its extent, as it is important in its nature; a labyrinth, through which we may travel in safety, if we will hearken to experience as our guide, but in whose intricate mazes we may continue for ever to wander, if we suffer ourselves to be beguiled by speculations, however plausible, or theories, however ingenious.

I would not have trespassed, even for a moment, upon the time and patience of the House, by detailing those facts which so loudly and so unequivocally proclaim the spirit inculcated by the Roman Catholic religion, had it not been for the forcible and eloquent panegyric I have this evening heard, and heard with astonishment, pronounced upon that religion; I am far from wishing to sound an alarm unnecessarily, but I cannot, when I hear the voice of history speak one uniform, consistent language, be deaf to her warnings; I cannot misunderstand her admonitions. I entreat those who advocate the cause of the Roman Catholics, to compare the persecuting spirit of their religion, with the benignant spirit of ours; their principles favourable to despotism, with ours encouraging liberty; their arrogant infallibility with our acknowledgment of the erroneousness of human judgment; their inquisition with our trial by jury; their rod of iron with our sceptre of olive; and then say whether, upon the terms they propose, union can long exist, or harmony can long prevail. Recourse can no more be had to the excuse which was urged a few years since, that any change has taken place in the nature of their principles; for, independently of the absurdity of supposing that infallible doctrines are liable to alteration, we have now the most positive and distinct assurances of their own writers, that their principles are unchanged and unchangeable, and therefore applicable at all times, and to all circumstances.

I have said, if the proposals of the Roman Catholics are granted, harmony and concord cannot long prevail; but will they obtain even a temporary existence? Will the Roman Catholic gain in content, what we lose in security? Will even a momentary cordial conciliation be effected? A conciliation not confined to the narrow circle of those who will be immediately benefited, but which shall be generally and universally diffused through the people? A conciliation which shall soften national prejudices, shall temper misguided zeal, shall still the clamours of disaffection, and shall beget confidence and friendship in the room of jealousy and mistrust? These concessions, it is true, may add power to the powerful, may increase the wealth of the wealthy, and gratify the ambition of the ambitious; but will their effects be felt by those who are struggling with poverty, perhaps groaning under oppression, arising from a totally different cause from that of which they are taught to complain? The mansions of those interested few who have derived advantages from the successful result of their perseverance may, for a time, resound with the celebration of their victory; but will the feelings of gratitude pervade the humble dwellings of the poor? I mean not, Sir, to assert that there are no persons who would be contented with the concessions in question, but I contend that the number of those who feel any strong interest upon this subject, unconnected with any ulterior object, is exceedingly small. On the other hand, what is the number of those for whom danger is to be apprehended? It is no less than the whole Protestant population of the united empire! And what is the advantage proposed for the public? It is that the public may have the chance of being benefited by the service of persons, in a few situations, from which they are at present excluded! And what is the danger to be apprehended for the public? Nothing less than the destruction of our civil and ecclesiastical constitution! And would it be right to expose so many to danger, for the sake of gratifying so few? Would it be wise to risk so much for the chance of gaining so little? Has this or the other Protestant House of Parliament been found incompetent to the discharge of its important duties? Have there been wanting Protestants of skill and courage to command our army or our navy? Have there been wanting Protestants of learning and integrity to preside in our courts of justice and equity? Have there been wanting Protestants of sound constitutional principles and distinguished political knowledge to fill the great offices of state?

The right hon. gentleman stated that the admission of Papists, into all offices of trust and power, will secure the future peace and tranquillity of Ireland. I am persuaded that none of the seditious practices, of which Ireland has been the unfortunate scene, in reality owed their origin to any disability, to which the Roman Catholics were subject. We ought ever to bear in mind that all penal statutes,

of every description, and all the disabling statutes, which apply to the lower and middle ranks of life, which must constitute far the largest proportion, among any set of people, are already removed: they can acquire property of any description; they can pursue any profession; they are permitted to exercise the elective franchise; and will people, who enjoy all these valuable privileges, which are within their reach, rebel against the government under which they enjoy them, merely because they cannot become members of parliament, or secretaries of state; situations to which it would be ridiculous to consider them as aspiring?

Mankind, Sir, are not thus keenly, thus tremblingly alive to the feelings of others. Let gentlemen consider the conduct of their own tenantry and of the peasantry of the neighbourhood in which they live; and let them say whether they ever discover any symptoms of this quick sensibility, of this readiness to fly to arms, and to have recourse to any means, however illegal or however violent, in support of any cause in which their landlords or superiors alone, were supposed to have an interest.

That the lowest orders of the Roman Catholics but ill brook a Protestant government, is but too true; that they have been so familiarised with discontent as to be ever ready to manifest its spirit, as opportunity should offer, we have had too many melancholy examples;—but it is not for what is commonly called Catholic emancipation alone that they have renounced their allegiance; it is not for Catholic emancipation alone that they have invited a foreign enemy to their shores; it is not for Catholic emancipation that so many endeavours have been been made to assert the independence of Ireland, and create a total separation from this country. Catholic emancipation is a term to which, if they attach any meaning at all, they attach a very different meaning from its general acceptation in this country: but it is a powerful engine, in the hands of a crafty priesthood, and the more dangerous, from being ambiguous and undefined in its precise signification - a stalking horse to mislead the ignorant, to deceive the moderate, and blind the well disposed; but whose concealed poison is well understood by the turbulent and disaffected: and, if attained, it will be the ground for insisting upon farther encroachments, a step towards the ultimate fulfilment of their wishes.

The events of the last forty years most abundantly prove that, if concessions would gratify their wishes, if lenity would insure their gratitude, or kindness conciliate their affections, there would now have been a noble and generous ardour amongst them to prove that their hearts were as closely united, as their interests are inseparably interwoven with this country: but every indulgence has been the parent of fresh demands, and success has only encouraged their ambition; not content with the repeal of all the penal laws, not satisfied with the enjoyment of greater privileges than any Catholic state ever allowed, either individually or collectively, to persons of a different persuasion, they boldly arraign the justice of the state, for insisting upon the continuance of any civil distinctions, though so wide a difference must exist in all spiritual matters. They disdain the language of petition and assume the tone of demand; they enjoy, as a right, the privileges which have been conceded, and scorn all idea of obligation. They no longer ask, as an indulgence, but claim as their undoubted right, a right inherent in them as British subjects, the unqualified repeal of all disabling statutes, the unqualified abolition of all religious tests! But, while the faith which a man may profess, shall be considered as having any influence upon his general conduct, while soundness in religious principles shall be allowed to be the best security for moral integrity, and the most powerful incentive to an active and conscientious discharge of every social and political duty, so long may we hope that some religious test will be required from those who are placed in the most important public situations, and are entrusted with the protection and support of our invaluable constitution!

Let me not be misunderstood, in any thing which I have said, as involving, in indiscriminate censure, the whole mass of the Roman Catholics; far be it from me to draw no distinction between passive instruments and active leaders—far be it from me to include, in the same sentence, the deluded victims of ignorance with the daring abettors of wickedness. It is not the people of Ireland whom I would reproach, chained as they are by implicit obedience to their spiritual guides; it is not the people of Ireland whom I would fear, were they not subservient to the same controlling influence. Those only would I reproach who have not ignorance to

plead in their excuse, but who pervert the advantages of education, and abuse the talents of nature; who, too well aware of their unbounded authority over the feelings of the people, employ it for the worst of purposes; who exasperate enmities, when they might heal dissentions; who encourage disaffection, when they might enforce obedience; and who studiously kindle into a flame every latent spark of discontent, which they might extinguish, and lull the minds of the people into tranquil submission.

Even if there were no dangers to be apprehended from these concessions, still I should feel it my duty to oppose this measure, because I think that the state, which has established a national religion, is imperatively called upon to encourage that religion; because I think that the legislature ought not to preserve a neutrality between a religion, which it supports, and a religion which it only tolerates; because I think it ought not to manifest an indifference and deal out its favours indiscriminately to those whose principles it approves, and these whose principles it condemns; but that it is bound, in gratitude and duty, to repose a superior confidence and evince a decided preference towards those whose steady attachment preserves its stability and insures its permanence.

Much has been said about the power and numbers of the Roman Catholics, as inducements to comply with their pretensions; into this part of the subject I will not enter at all. I will not examine whether their numbers have not been exaggerated and their power magnified; I will only ask whether those, who are averse to the measure, are not decidedly more numerous? I will only ask, whether they are not infinitely more powerful?

The Protestants of the empire are not indifferent to this great question, but they look with confidence to the decision of this House, appointed as we are by them, the legal guardians of their constitutional rights: they look with confidence to the solemn pledge afforded by the coronation oath, altered and remodelled as it was at the time of the Revolution, for the express purpose of checking the encroachments and curbing the power of Popery: grateful and contented with the blessings they enjoy, they dread such innovation in the constitution; a constitution, the glory of this country, the envy of the world; a constitution, which has enabled us successfully to resist external violence and domestic treason. That this constitution has been preserved under the present existing religious tests, cannot be denied; and, let it be ever remembered, that it has not only been preserved, but preserved under trials the most likely to shake and overthrow any established form of government. While, in the last twenty years, almost every constitution in Europe has been convulsed and overthrown, the constitution of England, under a Protestant government, has remained unshaken and unimpaired. The glory of England, entrusted to Protestant commanders; the power of England, under Protestant ministers, have attained that proud pre-eminence, which is, at once, our happiness and our boast.

If then we are enabled, under existing laws, thus to employ our resources and to call forth our energies, let us pause before we confide those resources and those energies to persons, in whom our ancestors, the founders of this constitution, had found, from experience, they could not safely be vested. Let us pause before we consent to place power in the hands of those who have an interest rather in betraying, than in faithfully watching over their sacred trust.

But, Sir, though I think that the securities for the preservation of our constitution, provided by statesmen whose principles and whose wisdom are the theme of universal applause and unqualified praise, securities sanctioned and endeared to us by a long and happy experience, are entitled to our highest respect, and our most jealous care, yet I should be far from urging the continuance of those disabilities, if I saw any reasonable prospect of attaining the same end by any other means.

Surely, Sir, those gentlemen who are such strenuous advocates of the Roman Catholic claims, ought long ago to have come forward with some specific plan, and to have been able to shew how it is possible to give satisfaction to the Roman Catholics, without endangering the constitution. For myself, Sir, after the best consideration which I have been able to give to the subject, I believe such a plan to be impracticable; but yet my mind is not only open to conviction, but I feel a strong and eager wish that such a plan could be devised; and I should listen with something more than impartiality to any definite proposal which might be submitted to this House for that purpose. While, however, gentlemen choose to con-

fine themselves to motions for going into a committee, for the purpose of taking into consideration these disabling statutes, being fully convinced that such consideration would be ineffectual to its proposed object, and only calculated to hold out delusive hopes, I shall feel it my duty to oppose such motions. What has this House been doing for these last twelve years, but considering these very laws? and here, Sir, it is a little curious to observe accurately the events which have happened within this period.

At first even the Papists themselves, however discontented, however ambitious, however encouraged by former success, could not forget the said promises they had made—they knew that the valuable concessions of 1793 had been made, principally, upon a reliance on their promises; they felt conscious of the unworthy return they had made. With this recollection and this consciousness, they at first urged their claims, as it were, with hesitation, and with a sort of apprehension; lest the very mention of such a subject should excite universal reprobation and opposition, not only amongst those who were, upon principle, hostile to their claims, but in the breast of every one who regarded the sacredness of a promise, or detested the baseness of ingratitude. Sir, they quickly found their caution unnecessary, and their apprehensions groundless. They soon saw, among their advocates, persons of distinguished abilities, and of great political influence. When persons of this description had taken a decisive part in favour of the Papists, had pledged themselves by their speeches, and committed themselves by their conduct in and out of parliament, the real leaders, in urging the Popish claims, assumed a bolder language, and a higher tone; they extended their views, and enlarged their claim. Instead of petitioning parliament, as they formerly did, for such farther indulgence as parliament, in its wisdom, might think fit to allow, they expect an unreserved compliance with all their extravagant demands. The real leaders in the Popish cause have no longer consulted their Protestant advocates, in this country, as to the time or the manner of petitioning the legislature. They have rejected all advice; and, instead of looking up to their parliamentary friends for instructions, they, the papists, have instructed their parliamentary friends to accede to no terms, to listen to no compromise. And yet those parliamentary friends have consented to support these petitions, fettered and shackled as they are in the line of conduct they must pursue; no longer the managers, but the performers of the part they have undertaken to play; no longer the principals, but the agents of the cause they still continue to defend. As far as giving satisfaction to the Roman Catholics is concerned, no positive advantage can arise from going into a committee to examine whether any, and what substitute for the present tests can be found. The Roman Catholics themselves have declared that nothing short of unconditional repeal of all disabling statutes will satisfy them. They have rejected all attempt at compromise; they have protested against all idea of substitute.

Sir, I am as far as any man from breathing the spirit of intolerance, or maintaining the doctrines of persecution. I would have our country open wide her gates, and welcome all who would enter; but I would not throw down her walls, nor diminish the security of her bulwarks. I would have her afford an asylum to all who fly to her for protection; but I would not entrust her vital interests to those who refuse to sacrifice at the altars of her church. "Esto perpetua" was the motto of our virtuous ancestors, the banner under which they fought, that they might bequeath it unimpaired to posterity. Let us, then, to whom this invaluable inheritance has been transmitted, in all its genuine purity and pristine vigour, guard it with the same watchful fidelity; let us be animated with the same zeal; let our bosoms glow with the same affection; and, above all, let us not endanger its repose, by the total annihilation of all distinctions between its friends and its enemies; let us not encourage a rivalry, the most dangerous of all rivalries, a rivalry between two conflicting powers, struggling, upon equal terms, for political ascendancy, and aggravated by all the characteristic virulence of religious animosity."

It is well known that, at the time of the Revolution, all the political parties, and all the religious sects, into which the Protestant part of the community was then divided, whatever might be their mutual animosity upon all other points, united in their exertions to exclude despotic sway from our civil government, and in providing for the security of the Protestant religion in these realms. I now call upon all who sincerely wish to promote the general

satisfaction and concord of far the greatest proportion of his Majesty's subjects (for of all classes it is impossible); I call upon all such, however differing in the more unimportant points of religious doctrines, however opposed to each other, in their struggles for political influence, to discard, as their ancestors did, all party feeling upon this national question; to unite, as they did, in the same common cause, to manifest the same cordial co-operation in resisting a measure equally hostile to Protestants of all denominations, equally repugnant to all the principles, however diversified, of every friend to limited monarchy; I call upon them to demonstrate, by their vote of this night, that, as Popery is not changed, Protestantism also is unaltered.

Sir *Robert Heron* addressed the House, in a maiden speech, as follows:

Mr. Speaker, if I have not been able to restrain the impulse which prompted me to avow the opinion I conscientiously hold on this momentous subject, at least, Sir, I will endeavour to merit the indulgence of the House by the only means I possess; by trespassing, for a very short time, upon its patience.

Sir, the honourable gentleman who immediately preceded me, and who spoke with a degree of temper and candour which it shall be my study to imitate, has told us that we have no right to avail ourselves of the authority of Mr. Pitt, certainly a very high authority, in favour of the Catholic claims, because he has an idea that Mr. Pitt might possibly, in the latter years of his life, have changed his opinion on the subject; yet, Sir, as, even in his opinion this circumstance seems to be doubtful, and, as he admits the fact that Mr. Pitt quitted his Majesty's service, because he was unable to carry these measures in favour of the Catholics, which he thought expedient to the welfare of the empire, I must say that I think we remain entitled to avail ourselves of the authority of Mr. Pitt, to as great a degree as it has ever been claimed or relied on by the advocates of the Catholic cause.

Amongst other charges which the hon. gentleman has brought against the Catholics, the most important appears to be, that they are friends to arbitrary government. Now, Sir, this charge, frequently gratuitously urged, and almost as often gratuitously received, appears to me to be totally without foundation. At least I cannot find, in history, any thing to prove that the Protestants have shown themselves, in any respect, greater friends to rational freedom.

Was Henry the 8th, who effected the Reformation from no other motives than those of lust and avarice, so great a friend to liberty? Was the glorious queen Elizabeth so great a friend to the liberties of the people, or the privileges of their representatives? The right hon. gentleman who opened the debate, and whose brilliant exertions it little becomes me even to commend, has stated to you the services of the Catholics at Runnymede, in favour of liberty.

It is true, that, at the Revolution, the Catholics adhered to James the 2nd; but the great body of the people, Protestants and even Presbyterians, were equally attached to him. It is well known that the Revolution was accomplished by a few patriotic nobles and gentry; and had James the 2nd, at any period before his second and final departure from the capital, shewn the slightest degree of courage or of firmness, the prince of Orange might then have thought himself sufficiently fortunate if he had returned in safety to his native country.

The nation was brought to acquiesce in the Revolution by the idea that their religion was in danger, and it cannot be a subject for wonder, if the Catholics continued, longer than the rest of the nation, attached to their hereditary monarch, against whom no effectual objection was urged, except his devotion to their religion. The hon. gentleman ought to have recollected that the late rebellion in Ireland was not a religious war; it was the struggle of the conquered against the conquerors; of the native Irish against the Orange faction; it was not contrived by Catholics, and even the principal leaders of the insurrection are well known to have been Protestants.

Sir, I will not rely upon the little information I possess, but I cannot recollect a single instance in history, of a Catholic nation having exchanged its free condition for an arbitrary government; yet there exists, in modern times, two striking instances of Protestant nations having undergone that change: I need scarcely name Sweden and Denmark. But it has always been too easy for designing men to agitate the nation on this subject; when other pretences have been wanting, the very name of the Pope has been, at all times,

sufficient to terrify the people. This unfortunate pontiff, trodden upon in France, despised in Italy, without territories, without revenue, abjuring temporal power, and, in fact, possessing none, is powerful only in the British dominions. Such, Sir, is the weakness of our government, such the disloyalty of our people, so cowardly are our soldiers, so stupid and ignorant our generals, so ineffective is our navy, that not even our insular position can protect us from the fear of this mighty potentate. But it is a source, to me, of the highest satisfaction, that this alarm has at length subsided; it is no longer possible to mislead the people by exciting their terrors; attempts to attain that object have not, on the present occasion, been wanting, but they have been wholly unavailing. I do not deny, Sir, that numerous petitions have been presented to this House against the Catholic claims, and that many of them are entitled to respect; but, of those which carry, in my mind, by far the greatest weight, (it does not become me to speak of Ireland or Scotland) of petitions from the freeholders or inhabitants of counties duly convened by the sheriffs, not more, I believe, than six, have been presented; and those have not all been adverse to the Catholics.

I hold in my hand, Sir, a pamphlet which purports to be the work of a society which has assumed the lofty name of Protestant Union; union for the purpose of creating disunion. Of those who compose this society I know nothing; it does not seem very proud of its members, for it has published no list of them, nor of its committee; it does seem proud of its chairman, and with reason, for his name is dear to humanity. This publication consists principally of resolutions, and of queries put to the Catholics, but, as it appears to have been no part of the plan to obtain answers to these queries, the publication is wisely made at the very moment when it is likely to have its full effect upon the people, immediately before this debate, and when there was no longer any time for the Catholics of Ireland to make a reply to it; for the first meeting of the society is on the 12th of this month.

To this pamphlet is prefixed an Address, sufficiently pompous, in which the society promises to take the country under its protection, to direct the public opinion, and, from time to time, to afford that information, without which the two Houses of Parliament must have remained in such miserable ignorance. The first light, however, which they give us, is somewhat dark, for it consists of anonymous letters. Now, Sir, I cannot but think that, when the worthy chairman has had time for cool reflection, he will seriously repent having brought against the Catholics, the heaviest charges, without excepting even that of murder, supported only by anonymous letters.

Sir, the clergy have not shewn, on this occasion, any deficiency of zeal; their exertions have not been wanting to load your table with petitions against the claims of the Catholics. Bishops and many high dignitaries, some with mitres *on* their heads, and some, perhaps, with mitres *in* their heads, have been active in sounding the alarm. Foremost in this holy crusade, in the front ranks of this army of the high church militant, stands a reverend and very learned prelate, from whose former works I have derived both pleasure and instruction; but I much doubt whether that, to which I now allude, whatever opinion gentlemen may entertain as to the talents which may be displayed in it, I very much doubt whether it will greatly add to his reputation for candour. Is it becoming in a prelate of the mild Protestant reformed church of England, to thunder out his anathemas against all who may dare to differ from him in opinion? Is it fitting that he should ascribe their conduct to the most profligate motives? Can he make no allowance for those who, without his talents, without his learning, may err with the best intentions? Yet he has declared that he will trace the opinions of those who advocate the claims of the Catholics, to artful misrepresentation, specious liberality, or infidel indifference.—Sir, I will never bring the last charge against any man without the most clear and weighty proof; but I think I may, without subjecting myself to the imputation of illiberality, retort the two first accusations upon the learned prelate himself—he has declared himself the liberal friend of toleration, but his specious liberality goes no further than permitting just so much toleration as, being already granted, he can no longer withhold: and he pretty clearly insinuates that, even that toleration goes far beyond what he would have consented to;—and to what, Sir, but to artful misrepresentation, can be ascribed his attempt to avail himself of the great name of the illustrious Mr. Fox, in support of his argument? his

endeavour to represent that virtuous patriot, who spent the whole of his political life in the support of civil and religious liberty, as favourable to his own narrow and exclusive views? This he has done, by applying Mr. Fox's argument, against a Popish king, with a subservient administration, to the possible circumstance of half a dozen Catholic peers, and perhaps twice as many commoners, being admitted into a legislature, composed of a thousand persons. I hope I do not presume too much upon the patience of the House, but, obnoxious as I am to the charges of the reverend prelate, for no man can differ more widely than I do from his opinions, on this subject, it may not be impertinent for me to declare that I am, as I have always been, from birth, education, and conviction, a zealous member of the Protestant church of England; but that I shall always claim for others, what I should, in every possible circumstance, claim for myself; the undoubted right of every man to worship the Deity in the manner which his conscience dictates to him, without suffering, on that account, any incapacity or disability whatever.

I shall, now, Sir, conclude with expressing my anxious hope that the House, by going into a committee, will fulfil the promise held out to the Catholics, by their predecessors, the last parliament; and, by restoring harmony to the empire, will prepare it for meeting the severe and arduous contest, with the continuance and increasing difficulties of which, we still are threatened.

Mr. *Bankes*.—Mr. Speaker, before I advert to the substance and material part of the speech of the right hon. mover, which forms by no means the largest portion of it, I am desirous of taking notice of some preliminary topics, with which he has introduced it. It is natural for the right hon. gentleman, connected as he is with Ireland, and strenuous as he has always been, in furthering the claims of the Roman Catholics, to observe, with dissatisfaction, and criticise with, perhaps, some little degree of severity, the sentiments of petitioners, so little in unison with his own. How such meetings have been convened, composed, or actuated, I possess neither the means, nor the inclination to inquire; but there is one main fact, which these petitions establish, most important for the consideration of the House; which is, that the wishes of the Irish nation, upon this subject, are by no means unanimous; that the representations and appearances of general favor and approbation, towards unconditional emancipation, are disproved; that a sentiment, directly contrary, prevails amongst a large and respectable body of the Protestants of that country, is admitted by the mover; the exact extent of which, I must leave to members, locally acquainted with the places and persons, to discuss and settle.

Approving generally and admiring the tone of moderation and temper, in which the right hon. mover has always treated this subject, there are some expressions of a less conciliatory tendency, which I regret to have heard from him in the course of his speech; particularly one, in which he objects to the propriety or expediency of calling upon one part of his Majesty's subjects to petition against another; and still more to any Irish subjects petitioning a foreign country [Mr. Grattan interrupted, by saying that he had not used the word "foreign," but "another country"] against the liberties of their own. Whither, then, would he wish them to appeal, but to that which, since the Union, is neither a foreign, nor even another country? The united parliament contains their true representatives, as well as ours, and the legislative and deliberate councils of both: is it fair to consider their common head and organ as fit to be addressed, in furtherance of the claims and pretensions of one class, but as being inaccessible to the apprehensions and fears of another?

The privations and sufferings of the Roman Catholics have also been treated by the right hon. gentleman in terms of exaggeration. When partisan sheriffs are spoken of, and partisan judges, is it intended to assert that the fountain of justice is polluted, or that the equal dispensation of the laws is withheld from those who profess that persuasion? Is the jurisdiction exercised there, a jurisdiction of prejudices, and parties, or is the steady and uniform current of the law of the land diverted from its course, not according to the preponderance of proof, nor the reason of the case, but according to the religious tenets of the several suitors? I trust, on the contrary, that all the inhabitants of that country are no less blessed, than those of this, with an impartial administration of the laws, and an unbiassed judicature. If such expressions, which magnify so unreasonably the hard-

ships and grievances of the Roman Catholics, cannot be heard without some degree of pain, there are others, which I have listened to with still less satisfaction; by which, unwarrantable reflexions were cast upon the practice of this country, with regard to toleration. I have always thought myself happy in having been born in a kingdom, wherein the principles of wise and liberal policy allowing every man to worship God, according to the dictates of his own heart, are as fully understood, and as extensively practised, as within any state, professing a form of religion, established by law. Our best writers upon the constitution, and our greatest philosophers, have flattered themselves, and us, that we are pre-eminent in the enjoyment of religious, no less than of civil liberty; but it is reserved for the honourable mover to convict them of error, to dissipate this pleasing illusion, and to demonstrate that, in England, toleration is utterly incomplete, and imperfect, and that we must have recourse to foreign states, in communion with the see of Rome, for its true and genuine essence. The right hon. gentleman particularly instanced France and Hungary; and, with regard to the latter, he read an edict, which undoubtedly carries, in the terms of it, the fullest and most ample allowance of all modes of worship, together with an indiscriminate admission to all places of honor and trust. Such conduct is highly creditable to the state which adopts it, but there may exist checks against its abuse, or excess, in a dependent province of the Austrian dominion, which are inapplicable to an integral part of the British.

With regard to France, the real state of this matter may deserve fuller consideration. Not only the practice or opinions of those who govern in Catholic kingdoms, must be looked to, but the doctrines, councils, and canons of the church, to which they profess spiritual obedience. If it should be objected that it is an unfair mode of trying this question to cite, against the church of Rome, every scrap which breathes intolerance and persecution, from the councils of Lateran, or Constance, or Trent; to call into sight antiquated canons and bulls, and to charge upon the modern professors of that religion, all the violence and intemperance of their predecessors, we must ask who is to blame for this? The church of Rome not only does not renounce any tenet which she has ever held, but glories in her perpetual unity of doctrine; referring, as to an unquestionable and an authentic text, to the councils, canons, and bulls of all former times. Her advocates here, would defend her, upon a supposed departure from those principles, which they state not to be disclaimed indeed, but to be grown obsolete, and impossible to be recalled into activity: but she rejects all such defence; she maintains that whatever has been once laid down is unchanged, and unchangeable. If her rules of action be the same as in the darker ages, is it reasonable to suppose that her conduct would be different, if she were invested with the same power? The right hon. gentleman has laid it down as a maxim, that all churches are naturally intolerant; and that it is for the wisdom and justice of those who are in civil authority, to correct and counteract this narrow and illiberal tendency. In what manner the head of the church of Rome has asserted the old pretensions, belonging to that see, against the civil authority of an empire, no less powerful than that of France under its present ruler, I am prepared to show from authentic documents, begging the House to judge, after hearing them, whether they can perceive any thing, in the modern language of the sovereign pontiff, more tolerant than that, which was used in older times; any approximation towards union and intercourse, between Roman Catholics and heretics; or one single expression, which breathes the spirit of concession, liberality, or conciliation.

The passages, which I am about to read, are extracted from an account of what passed at Rome, upon the occupation of that patrimony of St. Peter, and the person of his holiness, by the French (printed for Keating and Co. December, 1812.) The first of them bears date in February 1808, and contains a remonstrance of the Pope, against an ordinance or code of Buonaparté, which he appears to have circulated as a part of the Concordatum, pretending that it was equally authorized by the Holy Father. The words of the Pope are,—"A claim is set up for the freedom of every sort of worship, with the public exercise thereof: which, as being contrary to the canons, to the councils, and to the Catholic religion, we have rejected.—A reformation of bishoprics is called for, and the independence of the bishops upon us, which being contrary to the intention of our legislator Jesus Christ,

we protest that we will maintain, for ourselves and our successors, the plenitude of our supremacy.—The articles relating to marriage and divorce, in the French code, are contrary to the laws of the church and the gospel.—Out of the Catholic religion there is no hope of salvation."

Again—"The French system of indifference or equality, with regard to all religions, is utterly opposite to the Catholic; which being the only one of divine institution, cannot form any alliance with any other, any more than Christ can league with Belial.—It is false, that the Concordat has recognized and established the independence of the church of France; or that it has given a sanction to the toleration of other modes of worship."

Another passage or two may be not unworthy of attention. The Pope is spoken of as the lawful sovereign (as he certainly is) of a bishop, within his temporal dominion; but it is added, that "he is also vicar of that God, from whom sovereign power is derived, and who is the King of all kings."—"The holy see has never granted to bishops, at least in Europe, the power of granting dispensations for marriages between Catholics and Heretics."

There are other parts of this curious publication, and particularly some with regard to oaths, which are not unworthy of notice; but I pass over them, desiring to call the serious attention of the House to those, which I have selected, and to warn all those who hear me, against the specious veil which is endeavoured, in debates, and writings, to be thrown over the deformities of that church: her antipathy to all other churches, is not mitigated by time, nor subdued by reason: there appears not the smallest relaxation, with regard to the intermarriage of Roman Catholics with Protestants, one of the most natural and obvious modes of softening and allaying the asperities of hostile sects, and of bringing them to consider each other with good will and Christian charity, instead of maintaining principles of eternal separation and hostility. What must we deem to be the spirit of the Papal power, when, imprisoned within the walls of the Quirinal palace, stript of all temporal dominion, and surrounded by a French guard, it could utter its remonstrances in such terms, against the subverter of thrones and empires? Can it be credited that opinions, so solemnly pronounced, will not have weight with the Roman Catholic prelates and clergy of Ireland? Or is Ireland the country in the whole world, where the sentiments of bishops, ecclesiastics, and confessors have no influence upon their flocks? The right hon. gentleman asks why should the Roman Catholic church hate the Protestant? We answer that it must necessarily hate it: Pius 7 identifies the church of Rome with Christ himself, and pronounces that Christ can hold no fellowship with Belial.

These observations, though by no means irrelevant to the matter in debate, are drawn from me, by the preliminary topics, on which the right hon. mover has expatiated; and are not the points upon which I intend to rest the propriety or justification of the vote which I am about to give.

Three distinct objects were specified, in the Resolution adopted by the House, on the 22d of June, to which I am not less friendly now, than I was then, nor do I indeed conceive that any reasonable man, of whatever persuasion in religion, or of whatever inclination in respect of party, can be adverse to them. The question was then, and is now, whether these ends are likely to be attained, by the means which are recommended: they were annexed, as conditions, to our considering the laws, affecting the Roman Catholics, and, when the conditions fail, the proceeding, which was to be founded upon them, must fall to the ground, of course. The observations with which I accompanied my vote, showed me not to have been sanguine in hoping that the effect of that decision would be to moderate and conciliate the ardent minds of those, who had gained the ascendant in the Roman Catholic assemblies: nor in believing that a separation would be produced, between those of that communion, who really desired a revision of the laws for the purpose of amicable adjustment, and those, if any such there were, who, under the cloak of emancipation, harboured views unfriendly to the connexion between the two parts of the united kingdom; but other members were much more confident than myself, and ventured to predict that this desirable state of things could not fail to follow the carrying of that Resolution.

There is another of the three objects, upon which the right hon. mover of that Resolution (Mr. Canning) and others felt no anxiety, while I, not only felt, but expressed very serious apprehensions; I mean the temper and general disposition of the Church of England and its members, with regard to the claims of the Ro-

man Catholics. I believed, and stated it not to be apathy nor indifference, which rendered them quiescent, and apparently inert; but that it proceeded from a confidence in the wisdom of this House, and a firm reliance upon the same steady system being pursued, which had guided our counsels since Mr. Perceval came into administration. I said that the interval of time would prove whether my predictions or those of others were deserving of credit; and therefore that the period which must intervene between the passing of the Resolution and the next meeting of parliament, was a fortunate circumstance, because it would ascertain whether the satisfaction and concord of all his Majesty's Protestant subjects was, or was not, likely to follow the repeal of the disqualifying statutes. I am glad, for myself, that I, at the time, so studiously restricted the meaning and intention of the vote which I gave, in the month of June; but I really trust that the vote of no other member, who concurred with the majority, could be understood, in fairness and common sense, as pledging him to the furtherance of any objects, besides those upon which that Resolution was founded; still less could my own vote be considered as obligatory upon myself, to pursue a course, directly contrary to those conditions and stipulations, under which it was expressly given. I have frequently concurred with majorities of the House in resisting motions for going, generally, into a committee upon the Roman Catholic Petitions; I should have done the same, upon a similar motion, in June last; but I thought myself safe in agreeing to consider them, whenever that consideration might tend to the peace and strength of the united kingdom, the stability of the Protestant establishment, and the satisfaction and concord of all classes of his Majesty's subjects: and, if the right hon. mover demonstrates, to my conviction, that these consequences, or even any one of them, would follow from carrying his question, my vote would, on the present night, be given much more cheerfully in concurrence with, than in contradiction to him. I perfectly recollect the inauspicious circumstances, under which the motion of the last session was brought forward by my right hon. friend who sits opposite to me; that a set of the most inflammatory and intemperate Resolutions, agreed to by a general meeting of the Roman Catholics, with lord Fingal in the chair, on the 18th of June, 1812, reached London, only on the morning of that debate, and that my right hon. friend (Mr. Canning) with the dexterity and ability of a great orator, employed no small portion of his art, not only in averting this dangerous weight from bearing down his cause, but even in converting it into an argument, to make it triumphant.* If I had taken any fallacious view, or received any false impression upon that occasion, if the eloquence and power of my right hon. friend's speech had fascinated, and, for a moment, misled my judgment, I should not be ashamed to avow my error, with sincerity and frankness; nor to state, honestly and directly, that a deliberate review of the whole matter, now compelled me to trace back my steps, and to pursue a different course: but I have no such avowal to make, no such error to confess, no such account to settle, with the promoters of the Resolution. Those who did me the honour of attending to, and remembering, what I said on the 22d of June, will recal to their minds that, in addition to the topics already mentioned, and the stress which I laid upon every one of the three enumerated conditions, I said, that the temper and feeling of the members of the established church, in both countries, would be tried by carrying the question; that it was fortunate so long an interval of time would be allowed, before any ulterior step could be taken, and that it would be put to the test, whether the apparent neutrality of the Protestants proceeded from unconcern, or whether it was the effect of a firm persuasion that the claims of the Roman Catholics would be resisted by a majority of their representatives. It was argued, at that time, by my right hon. friend, that, so long as parliament should turn a deaf ear to the complaints of the Roman Catholics, so long as the House should refuse to enquire into, or listen to their grievances, it might naturally be expected that they would feel disappointed and irritated, and, like persons goaded and oppressed, they would burst out inro expressions of anger and violence. Hold out to them a fair prospect, it was said, of conciliation and concession, and their violence will cease; reason will regain her just ascendancy, and all will be harmony and concord. Now in what manner is this prophecy fulfilled? Was any gratitude shewn, or any

* See vol. 23, p. 633.

joy expressed? Were any thanks voted, any acknowledgments made to the mover and supporters of that Resolution? So far from it, at the very next meeting of the Catholic board, after the news reached Dublin, on the 4th of July, circular letters were dispatched in all directions, formally announcing their "most serious apprehensions that a religious persecution was about to begin in Ireland." This was one of their first proceedings: do those, which are recent, manifest a more moderate spirit? Let the resolutions of all their meetings, in the various counties, cities, and towns, be examined; the solemn address of their prelates on the 18th of November last; let the tenor of all their Petitions, now upon our table, be fairly weighed and considered, with every reasonable allowance, and the most favourable interpretation; and, can we collect, from their aggregate sentiments, any thing short of a positive demand of unqualified emancipation, as a matter, not of favour, but of right? And, on the part of their clergy, is there any thing less than an absolute refusal to give any further security, than the oath, prescribed by the statute of 1793, with which they assert that the legislature ought to rest perfectly satisfied? These are their own words: "As we are at present precluded from any intercourse with our supreme pastor, we feel ourselves utterly incompetent to propose or agree to any change in the long established mode of appointing Irish Roman Catholic bishops;" and, "we are firmly convinced that no pledges or securities of more efficient obligation can be devised, than those which we have already given."

It is needless to quote further passages, in proof of what I assert; the proceedings of the prelates are probably in the hands of many of those who hear me, and, if the House desires to examine with what moderation and forbearance these claims are prosecuted, they will find it declared, in some of the Petitions, that an offer of any thing less than a total repeal of all disqualifications, would be considered as insulting and degrading; and in others, that it would even endanger the tranquillity and security of the empire. Is this the tone, in which those who suffer would humbly ask for protection, as the right hon mover terms it, or can we think of treating with men upon terms and conditions, who put themselves into the posture of requiring rights? This doctrine of right, I regret to observe, not only in the inconsiderate declarations of numerous meetings, nor confined to the sister kingdom, but propagated and disseminated here, as a prominent instance of the oppression and persecution to which the English Roman Catholics are subjected, in the publication of a learned person, of a profession, which might have led him to know something more of the principles of legislation, and of the difference between religious toleration and civil power. (Loud cries of Hear, hear!) I am not sorry to hear these cheers, but I should be more pleased to find any member who would venture to embody these clamours into argument, and to assert the claim of right, in the latitude which is given to it either by the petitioners, or in the pamphlet of Mr. Butler. It would be indecorous to suppose that any member of this House can be so little informed of the fundamental maxims, upon which all states are constituted, as to be ignorant that a principle of self-preservation is among their primary rights, as well as duties: that the justice of excluding and prohibiting whatever might endanger or destroy the state, is a natural consequence of this right of preservation; and that every well constituted government, under whatever form, has always exercised a choice and discretion in selecting those, who should hold offices and employments, fixing upon birth, or property, or rank belonging to some privileged order, or upon some other arbitrary qualification, to the exclusion of all that more numerous class of citizens, who are not possessed of it.

We have by law a Protestant king upon the throne, and a Protestant establishment for our church; and shall we be denied the right of enacting such laws as are conformable and necessary to the security of both? Or ought we to be deemed oppressive and intolerant, when we require to be convinced, by reasoning and sound argument, before we surrender those which have been heretofore enacted? It is undoubtedly of the essence of free states to impose as little of restraint, upon the actions of those who live under them, as is consistent with public and private safety, tranquillity, and property: liberty of conscience, and the exercise of different modes of worship, naturally emanate from the same spirit of freedom; but it is easy to imagine cases, or to quote examples from history, in which religious tenets, tending to overt acts, by which the state, or individuals might be endangered, could

not be permitted nor countenanced. Wherever communication, purely spiritual, is really carried on between man and his Maker, the right of adoring God, in his own way, is that, with which no human power ought to interfere. Upon these plain grounds it is easy to refute the sophistry of such arguments, as are founded upon the natural rights of man to possess, or to be capable of possessing, all things equally. The words of that pamphlet are, "This penal infliction reaches every description of non-conformists to the established church; their religion therefore is not tolerated; it is persecuted:"—and a little further, "The Roman Catholics are the most persecuted of all."—If all, to whom such power or capacity be denied, are in a state of persecution, let it be considered to how prodigious a proportion of the inhabitants of Great Britain, this species of persecution extends, who are excluded, by the want of property, from the elective franchise, or by the want of a larger qualification in respect of property, from sitting in this House.

I believe, however, that, whatever enlarged notions are entertained out of doors, with regard to these indefeasible and original rights, they have very few advocates within this House. I understand the right hon. mover never to have maintained any such absurd and extravagant proposition, and his speech of this night professes to hold out some security for the Protestant establishment, though, either from the fault of the right hon. mover, or possibly from my own, while I laboured to catch and retain what might be the substance of the security, which appeared floating over the surface of his whole speech, I am unable to satisfy myself what it is that he intends. I recollect, upon a former occasion, that he much expatiated upon the pernicious effects of foreign influence, stating that it would be necessary, at all events, to abolish, or to subject it to strict regulations: it is true that, upon this night, he has not adverted to it; I take it for granted however, that his opinion is not shaken upon that important point; but I cannot help remarking that one of the modern accredited writers, Mr. Clinch, who has received the thanks of all the bishops, for his able writings on church government against Columbanus, animadverts, with some asperity and affected surprise, upon Mr. Grattan's conduct, in these words, "Could it have been thought that Mr. Grattan would insist, not as an enemy, but as a chief advocate, not on the renouncing of foreign jurisdiction, but on the perpetual exclusion of foreign influence, which is Catholic religion?" Whatever may be Mr. Grattan's present view of this matter, there are others, and particularly my right hon. friend (Mr. Canning) who will not suffer it to be left unprovided for; an unrestrained communication with a foreign power, contrary to the existing law of the land, cannot remain upon its present footing, if any new privileges are to be granted; neither can the nomination, and dependence of the bishops, upon the see of Rome, be allowed to continue, without some of those checks and restrictions, which exist, in every other country, against the encroachments of that church; of which this kingdom also availed itself, when it was in communion with that see. I know that my right hon. friend is not prepared to leave this matter, simply, upon the security of the oath, as it now rests. And I hope that he, or some other supporter of the question, will make up for what appears a deficiency in the mover, and that he will distinctly state what project he has of any Bill, under which the establishment may rest secure, and satisfied, that a sufficient guard is provided: it would be desirable, particularly, to learn what he proposes to do, with regard to the Corporation and Test Acts, which are characterized by Mr. Justice Blackstone and other constitutional writers, as the "two bulwarks of our established church, against perils from non-conformists of all denominations, heretics, papists, and sectaries." Mr. Pitt was of the same opinion, when he resisted several motions made to repeal them; but Mr. Butler exhibits them, in the front of the many severe penalties and disabilities, under which the English Roman Catholics labour, and declares their continuance to be contrary to toleration.

The high authority of Mr. Pitt has naturally been referred to in this debate, particularly by a young member, an honourable friend of mine, whom the House has had the pleasure of hearing for the first time. It is perfectly known that this great statesman entertained an opinion, favourable to the abolition of these disqualifications, nor does there appear any reason to think that he changed it, subsequently to the last debate, in which he spoke upon it: but the checks and restric-

tions, consistently with which he thought it safe to abolish them, were communicated to none of his friends, and probably were never so far matured, within his own mind, as to fit them for communication. It is possible that his extraordinary capacity never found a satisfactory solution for the complicated difficulties, which surround this question; and it may be no disparagement to the right hon. mover, eminent as he also is for talents, and eloquence, not to have formed a comprehensive and finished plan, for a work, of which Mr. Pitt was unable to describe even the outline.

In the few words, which remain for me to say, I wish to attract the attention of the House to that plan, if plan it can be styled, which the right hon. mover has, in his last two or three sentences, opened to the House. If I understand his motion, it is intended for the foundation of a Bill, in which it is proposed to give, on the one hand, a sweeping repeal of all the disqualifying statutes, and to receive, in return, by way of a compensation, a recognition of the Protestant succession, according to the Act of Settlement, and also of the Protestant churches of England, Scotland, and Ireland, as by law established; together with some regulations as to advowsons, colleges, and ecclesiastical courts; for these are all the particulars, as far as I recollect, which he has either enumerated or hinted at. Now, with regard to any thing like a re-enactment of these fundamental laws, would our constitution, either in church or state, be deemed more secure after such an idle renewal than before? Will it even be expedient to suffer such trifling with legislation, as to cast a doubt upon the sufficiency and permanent efficacy of these statutes, by declaring them anew to be in force? Are they so nearly worn out as to require renovation?

The times of Magna Charta have been alluded to: but is it a sign of steady and uniform liberty, or of reverting tyranny in our early annals, that Magna Charta was so frequently renewed? But a perpetual duration is intended to be given by the right hon. mover to these laws: perpetual no human legislation can make them; but they will endure long enough, if we do not rashly meddle with them; that is, so long as this kingdom shall continue to enjoy liberty and security under them: they need no adventitious props, nor extraneous support; let us take care that what we build about them does not endanger their foundation.

With regard to the language and tone of the petitioners, it has been said that minute attention and critical acuteness ought not to be applied to them: that they are not to legislate for this House, but this House for them; and that it becomes parliament to legislate upon a grand scale, laying down such regulations as, to its own wisdom, may seem just and reasonable; and leaving those, who are affected by them, to accept the intended boon, or to decline it: that it is not a matter of convention, nor bargain, for it neither becomes the legislative body to act in that mode, nor is there any other contracting party with whom we can form such an agreement. To this it may be answered, that every proposition of this sort must be in the nature of a contract, which, if not accepted, would become nugatory; that, if the petitioners are to be believed, they are determined not to accept it; and that an act, which promises, at best, to be only nugatory, but which carries a strong suspicion of being ungracious, irritating, and offensive, does not hold out any adequate inducement for entertaining this question, at a moment, when so little good, and so much mischief, may result from the agitation of it.

If there are any members who might be induced to go into the committee, or to consent to bring in a Bill, in the hope that the minds of the Irish Roman Catholics would be tranquillized and conciliated by such a measure, I beg leave to repeat that similar expectations were held out last summer, as an argument for passing the Resolution, and that those expectations have been completely disappointed; that there is less excuse for giving way to any such self delusion now, than in the month of June; because those, in whose favour it is now proposed to make further relaxations, have, most unequivocally, proclaimed to the world that, unless they can have all, they will receive nothing at our hands. Here, therefore, is one great class of his Majesty's subjects, whom all which is about to be done will not satisfy, nor content: will a still larger class be better pleased with it? Look once more at the mass and multitude of the petitions upon your table, from the Protestants on both sides of the water, and judge whether a serious and extensive alarm is not excited throughout the united kingdom! Can such a disposition of mind, and such a conflict of contending

sects contribute to union and strength? or is there the slightest probability of attaining, by the motion of this night, any one of those three objects which the Resolution of the last parliament professed to secure to us?

I declare, with unfeigned concern, that whatever has passed in Ireland, upon this subject, from the month of June, to the present moment, so far from forwarding a final and conciliatory adjustment, appears to me to render it more difficult, and to place the period, at which rational hopes can be entertained of effecting it, at a still greater and indefinite distance.

Mr. *Grattan*, in explanation.—I never used the word 'foreign country' as applied to England. I said 'another country,' which I conceived to be a true description, as they are distinct countries, although united under one empire. As to the expression 'partizan-judges,' I never used it; that of 'partizan-sheriffs' I did use, but I did not use it by itself, nor intending to imply that Protestant sheriffs were necessarily prejudiced against the Catholics. The way I used the expression was, partizan sheriffs, covenanted against the Catholic claims. I did not mean to cast an imputation on all Protestant sheriffs, but merely to state the hardship of Catholics being tried by juries, assembled by those, who might be fairly called partizan-sheriffs, covenanted against the Catholics. As for enacting any thing about the Protestant succession or the Protestant church, I never proposed any such thing. There is a great deal of difference between reciting it in the preamble of an act, and professing to enact it.

Mr. *Plunkett* rose and said:

Mr. Speaker; I am induced to rise, at so early a period of the debate, for the purpose of obviating the mis-statement (certainly unintentional) of the expressions and sentiments of my right hon. friend, (Mr. Grattan), which has been made by the hon. gentleman who has last spoken. My right hon. friend has not called Great Britain a 'foreign country;' and, even if such an expression had accidentally been used by him, the uniform tenor of his opinions and of his language, in this House, might have suggested to the hon. member the propriety of abstaining from a verbal criticism upon it. My right hon. friend unites, to the enthusiasm of an Irish patriot, the comprehensive views of a statesman and a legislator; and his affection for his native country, to which his life has been devoted, has expanded into love of the general weal, and zeal for the glory of the empire. In every sentiment which he has uttered, I most cordially concur. My right hon. friend has not been so absurd as to propose to re-enact the Bill of Rights and the Act of Settlement; but absurd and extravagant calumnies having, with no laudable industry, been propagated, as if the present motion were intended to invade the church, and to overturn the state, my right hon. friend has placed, in the front of his Resolution, a denial of the calumny.

The hon. gentleman has said there is nothing specific or intelligible in the motion or in the statement. The motion appears to me to be perfectly distinct, and perfectly intelligible. It proposes to remove all the civil disabilities which affect a great portion of our fellow subjects, on account of their religion; offering, at the same time, to accompany the measure with every security which may be required, for the protection of the Protestant interest. This seems not very difficult to comprehend; but I own I do not find it equally easy to ascertain the meaning of the hon. gentleman himself. In some part of his argument he relies on objections which, if they have any weight against the measure now, must always operate; in other parts, he insinuates an opinion that the objections are only accidental or temporary. Why the hon. member voted for the measure in the last parliament, and intends to oppose it in this, seems to require some further explanation than he has thought proper to afford. The intolerant declarations of the Pope, which he has referred to, were surely as strong an argument at that time, as they are now! The hon. gentleman seems to have spoken with an anxiety to anticipate what is to be said by a right hon. friend of his, who is hereafter to express his opinions; and he has alluded to the proposal of some plan, which, he fears, will not be acceptable to the petitioners, but which he himself does not approve of; or, if he does, why he cannot agree to the going into a committee, for the purpose of considering it, the House are left to conjecture.

Sir; much has been said of the question of right. It appears to me to be a very unnecessary metaphysical discussion, and one which cannot have any practical ap-

plication in the present instance. In the same sense in which religious toleration is a right, a due share of political power is a right; both must yield to the paramount interests of society, if such interests require it; neither can be justifiably withheld, unless their inconsistency with the public interest is clearly established. But in the present case the question does not, in any respect, arise; for we have already admitted the Roman Catholics to substantial power, and, what we seek to exclude them from, is honour. The privileges which are withheld are impotent, as protections to the state, but most galling and provoking to the party who is excluded. No candid mind can hesitate to admit that the exclusions must be severely felt, as subjects of grievance, and of the most insulting kind. That the man of the first eminence at the bar, should be prevented from acting as one of his Majesty's counsel, or from sitting on the bench of justice; that the gallant officer, who has distinguished himself in the battles of his country, when his heart is beating high with the love of honourable fame, should be stopped in his career, and see his companions in arms raised above him, to lead his countrymen to victory and glory, must be felt as wounding and humiliating! In this House, does it require argument to shew that exclusion from parliament must be considered as a privation and indignity! What assembles us here? The honest ambition of serving our country? The pride of abiding by honourable engagements? or motives perhaps of a less elevated description? Whatever they may be, honourable and dignified, or otherwise, they subsist in their minds, as much as in ours; and, though the elective franchise, which has been granted to the Irish Catholic, gives him a substantial representation, yet the exclusion is calculated to operate as a severe and humiliating disability; and the more humiliating, because it is a mark of inferiority, branded on the Catholic, merely for the purpose of marking that inferiority!

The topic that toleration admits of one consideration and political power of another, has little application to this case, even if it were true, for here it must be contended that rank, and station, and honour, are not the proper appendages of wealth, and knowledge, and education, and of every thing which constitutes political and moral strength! In every system of human policy the few must govern the many, but, putting military force out of the case, their legitimate government must arise from their superiority in wealth and knowledge; if, therefore, you exclude the wealthy and the educated from the government of the state, you throw into the scale of the many, the only weight which could have preserved the balance of the state itself. This is universally true, but when you reject the opulent and the educated, on account of a condition which they have, in common with the many, you add the attraction of politics and party to the operation of general and moral causes; and, if the principle of exclusion be a religious one, you organize, not merely the principles of revolution, but of revolution furious and interminable! Put the policy of the separation of political rank from property and education, in the extreme case of their total division, or in any intermediate degree, the conclusion is equally true, that the attempt so to separate, establishes a principle, not of government, but of the dissolution of government! So sensible of this truth were our ancestors, that, when they saw, or thought they saw, a necessity for dishonouring the Roman Catholic, they adopted, as a necessary consequence, the policy of impoverishing and barbarizing him: when they degraded him, they felt that their only safety was to steep him in poverty and ignorance; their policy, good or bad, was consistent—the means had a diabolical fitness for their end. Is it not a perfect corollary to this proposition, is it not the legitimate converse of this truth, that if you re-admit them to wealth and to knowledge, you must restore them to ambition and to honour? What have we done? We have trod back their steps: we have rescued the Catholics from the code, which formed at once their servitude and our safety, and we fancy we can continue the exclusion, from civil station, which superinduced that code. Theirs was a necessity, real or fancied, but a consistent system; we pretend no necessity; we have voluntarily abdicated the means of safety, and we wilfully and uselessly continue the causes of danger. The time to have paused was before we heaved, from those sons of earth, the mountains, which the wisdom or the terrors of our ancestors had heaped upon them; but we have raised them up and placed them erect—are we prepared to hurl them down and bury them again? Where is the madman to propose it? Where is the idiot who imagines that they

can remain as they are? The state of the Catholics of Ireland is, in this respect, unparalleled by any thing in ancient or modern history. They are not slaves, as some of their absurd advocates call them, but freemen, possessing substantially the same political rights with their Protestant brethren, and with all the other subjects of the empire; that is, possessed of all the advantages, which can be derived from the best laws, administered in the best manner, of the most free and most highly civilized country in the world. Do you believe that such a body, possessed of such a station, can submit to contumely and exclusion? that they will stand behind your chair and wait upon you at the public banquet? The less valuable, in sordid computation, the privilege, the more marked the insult in refusing it, and the more honourable the anxiety for possessing it! Miserable and unworthy wretches must they be if they ceased to aspire to it; base and dangerous hypocrites if they dissembled their wishes; formidable instruments of domestic or foreign tyranny if they did not entertain them! The liberties of England would not, for half a century, remain proof against the contact and contagion of four millions of opulent and powerful subjects who disregarded the honours of the state, and felt utterly uninterested in the constitution.

In coming forward, therefore, with this claim of honourable ambition, they at once afford you the best pledge of their sincerity, and the most satisfactory evidence of their title. They claim the benefit of the ancient vital principle of the constitution, namely, that the honours of the state should be open to the talents and to the virtues of all its members. The adversaries of the measure invert the order of all civilized society. They have made the Catholics an aristocracy, and they would treat them as a mob; they give, to the lowest of the rabble, if he is a Protestant, what they refuse to the head of the peerage, if he is a Catholic. They shut out my lord Fingal from the state; and they make his footman a member of it; and this strange confusion of all social order, they dignify with the name of the British constitution; and the proposal to consider the best and most conciliatory mode of correcting it, they cry down as a dangerous and presumptuous innovation.

Sir, the Catholics propose no innovation. They ask for an equal share, as fellow subjects, in the constitution, as they find it; in that constitution, in whose original stamina they had an undisputed right, before there was a Reformation and before there was a Revolution, and before the existence of the abuses, which induced the necessity of either. They desire to bear its burthens, to share its dangers, to participate its glory, and to abide its fate; they bring, as an offering, their hearts and hands, their lives and fortunes, but they desire also the privilege of bringing with them their consciences, their religion, and their honour, without which they would be worthless and dangerous associates.

The position, therefore, to be maintained, by those who say that the first principles of the constitution are in opposition to the claim, is rather a critical one. They must shew why it is that a Roman Catholic may vote for a member to sit in parliament, and yet may not himself be a member of it; why he may be the most powerful and wealthy subject in the realm, and the greatest landed proprietor, and yet may not fill the lowest office, in the meanest town upon his estates; why he may be the first advocate at the bar, and be incapable of acting as one of the counsel of his sovereign; why he may be elector, military officer, grand juror, corporator, magistrate, in Ireland, where the danger, if any, is immense, and why none of them in England, where the causes of apprehension are comparatively trifling and insignificant. Besides all this, arguing, as they do, that their religion necessarily includes hostility to the state, on the very points which, by the oaths which they have taken, are solemnly disavowed, they must shew the safety of harbouring, in the bosom of the state, and admitting to its essential and substantial benefits, a body of men whose only title to admission has been perjury; that is, a body of men, who, in addition to religious opinions inconsistent with our particular constitution, have violated the solemn obligations, which bind man to man, and therefore are unworthy of being admitted into any society, in which the sacred principles of social intercourse are respected. Sir, if these things are so, the petitions of the public should be, not to be protected against the dangers which are to come, but to be rescued from those, which have already been incurred! nay, more, if oaths are not regarded, we should not rely on the vain securities, which our ancestors have resorted to, and which consist of oaths, and only of oaths; but we

should devise some new means of proving their religion, by the testimony of others, and chaining them down to it, without the possibility of disowning or escaping from it. But let us examine, somewhat more accurately, these supposed principles of public policy, which oppose an insuperable bar to the admission of the Roman Catholic. They join issue on this point: so far as concession is inconsistent with the true principles of the constitution, the safety of the established church, and of the Protestant throne, they admit that they are entitled to nothing; so far as it is not inconsistent, they claim to be entitled to every thing. Let it be shewn that these great foundations of our liberties and of our civil and ecclesiastical polity are their enemies, and they must yield in silence. They must receive it as the doom of fate; it must be submitted to, as part of the mysterious system of Providence which, whilst it has embarked us in an awful struggle, for the preservation of its choicest blessings, has ordained that, in this struggle, we may not unite the hearts and affections of our people. We must cherish the hope that the same incomprehensible wisdom which at once impels us to this mighty contest and forbids us to use the means of success, may work out our safety by methods of its own. If it can be made appear that the imperious interests of our country pronounce, from necessity, this heavy and immitigable sentence, upon millions of its subjects, I trust that they will learn submission, and not embitter their hopeless exclusion, by the miseries of discontent and of disorder; but, before they bow down to this eternal interdict, before they retire from the threshold of the constitution, to the gloom of hopeless and never ending exclusion, I appeal to every candid mind, are they not entitled to have it proved by arguments, clear as the light of heaven, that this necessity exists? I now challenge the investigation of those supposed maxims, step by step, and inch by inch; let it be stated in some clear intelligible form, what is this fundamental prop of the constitution; what is this overwhelming ruin, which is to tumble upon us, by its removal. Let us meet and close upon this argument; but beware of the attempt to outlaw the Irish people by an artificial and interested clamour? Let not those, who have encouraged the Irish people to expect redress, now affect to be bound by this spell of their own raising? this would be to palter with their own consciences and the public safety, and can entail no consequences, other than calamity and disgrace.

The only obstacles which appear to stand in the way of the Roman Catholics, are the Oath of Supremacy and the Declaration against Transubstantiation. The former of these in its original enactment and application had a very limited political relation. I speak not of the capricious fury of Henry 8, which made it treason to refuse the oath. He considered himself, under God, the supreme head of the church, in all things spiritual and temporal; and bound the subject to submit to all his ordinances made, and to be made, under the penalty of death. But the application of the oath as it was modified by Elizabeth, had chiefly (and with the exception of offices immediately derived from the crown, or concerning the administration of justice) a religious, and not a political, application; subject to these exceptions, it professed not to controul the private opinion, nor to make it a ground of exclusion; but it subjected the public profession, or non-conformity, to penalty; and, accordingly, Roman Catholics were admissable to parliament and to corporate offices, for more than one hundred years after the introduction of the Oath of Supremacy. Then came the laws of Charles 2, which, for the first time, superinduced general exclusion from office, as a political consequence of the religious opinion.

Here, then, were before us, two principles, the first, that of the Reformation, which proscribed the religion, the second, that of Charles 2, which presumed that certain unconstitutional tenets must be held by those who professed that religion, and therefore made civil incapacity the consequence of the religious belief. Here were two principles perfectly distinct, but perfectly consistent—now what have we done? We have, in fact, abrogated the principles of the Reformation, for we have repealed the laws against recusancy, and legalized the religion; having done this, it was a necessary consequence to say that we could not infer, from a religious tenet which we legalized, a political opinion inconsistent with the safety of the state; otherwise we should have been unjustifiable in legalizing it; we therefore substituted, instead of the renunciation of the religious doctrine, from which the political opinion had been formerly inferred, a direct denial, upon oath, of the political

opinion itself. If then the Roman Catholic may lawfully exercise the religion, and if he will take the political oath, how can we consistently make the objection, either in a religious or political point of view, to his being admitted to the remaining privileges of citizenship? If there is any thing inconsistent with the true principles of our religion, in permitting the Catholic to enjoy civil offices, the authors of the Reformation were deeply criminal in permitting him to enjoy them, while they denounced his religion; and we have been doubly traitors, to our religion and to our constitution, in sanctioning, by law, the free exercise of that religion; throwing away the religious test and substituting the political one in the place of it. If the political oath, either from its supposed insincerity, or from any other cause, is an insufficient substitute for the religious abjuration, how can we be justifiable in allowing it to give the Catholic admission to the high constitutional privileges which he now enjoys? If it is a sufficient substitute, we prevaricate with our own consciences, in refusing him admission, on the strength of it, to the remaining privileges which he requires—in direct violation of the policy which substituted the political oath for the religious declaration, we now say that we require his declaration that he does not hold the religious doctrine which implies the political. But he is ready to swear that he does not hold the political doctrine, and still you prefer his declaration that he does not hold the opinion, which furnishes the presumption, to his oath that he does not hold the opinion, which is the thing presumed. Is not this a perfect proof that the political apprehension is a pretext, and that it is bigotry, or something worse, which is the motive? Is not this also a full attestation of your perfect reliance on the honour and sincerity of the Catholic, as well as of your own intolerance? You will accept his word, as a proof that he has abjured his religious tenets, but you will not receive his oath as long as he abides by them. Is it he that is insincere in his oath? Then why trust his declaration? Has the oath a negative power? It is not merely that his oath is not binding, but, that which shall be full evidence, if he merely asserts it by implication, shall become utterly incredible if he swears to it directly. Why this is worse than transubstantiation; it is as gross a rebellion against the evidence of demonstration, as the other is against the testimony of sense. Again—the Oath of Supremacy extends to a renunciation, as well of the spiritual, as of the temporal, authority of the Pope; and its object appears to have been two-fold; first, to exclude the interference of the Pope, in the temporal concerns of the realm; and, secondly, to secure the Protestant hierarchy, against the claims of the sect which had been evicted: as to the first, the Roman Catholic tenders an oath, utterly denying the Pope's right to exercise any kind of temporal jurisdiction in these kingdoms; as to the second, he tenders an oath, abjuring all interference with the Protestant establishment and hierarchy. What then remains in difference? The right of the Pope with respect to their clergy; now to this, the Oath of Supremacy never had any reference, nor could have had: their clergy were not recognized, as having any legal existence, when the Oath of Supremacy was enacted, nor as the subject of any other regulation, than that of heavy punishment if they were discovered; this part of the oath merely looks to the preservation of the Protestant hierarchy, and all this is effectually provided for by the oath which is proffered. If the Catholic swears that he will not disturb or question the establishment, it would seem to concern us very little whether he admires or approves it, or what may be his abstract opinion of its fitness. We have already the effect of the Oath of Supremacy, so far as it concerns practical and conscientious submission, now and at all times, and it is perfectly childish to say that we will not accept their present acquiescence, and their oath that they will continue to acquiesce, unless they also swear that they ought, as matter of abstract right, to do so; that is, they must not only submit to our title, but swear to our argument. I do not mean to say, that the mode of appointing their clergy and the Pope's interference with respect to it, is not a very important topic, and one which we are well warranted in looking to and regulating; but what I rely on is that it is a new subject, resting on its own merits, and calling for and requiring a conciliatory adjustment, but, in no respect, involving any thing, which affects the Oath of Supremacy, on the principles of the Reformation.

As to the Corporation Act, every person, acquainted with its history, knows that it was introduced, not with an aspect to the Roman Catholics, but to sectaries

of a very different description, who had got into the corporations during the government of Cromwell, who were supposed to be disaffected to the politics of the court. Part of the oath, as it was originally framed, was that it was unlawful, under any pretence, to take up arms against the king, or those commissioned by him; and the amendment, which sought to qualify it by adding the word 'lawfully,' before commissioned, was thrown out. One of the first acts of William and Mary was to repeal this scandalous and slavish enactment, which was at direct variance with the first principles of the Revolution; and yet we are told, in patriotic petitions, from loyal Protestant bodies, that this Corporation Act was one of the great bulwarks of the Revolution. This mutilated fragment, one half of which was lopped off by the Revolution, is one of its pillars, and the Test Act is the other. Its history is known to every body—it was the child of my lord Shaftesbury, who, on the score of religion, possessed a most philosophical composure, but had a very pious horror of the court, and levelled this act personally against the duke of York; and, as the Corporation Act was the first offering of overflowing servility, brought in on the full tide of the Restoration, so was the Test Act the result of deep and bitter repentance, subsiding at its ebb; and yet these conflicting, partial, and temporary regulations, are dwelt on, as if they formed part of that great event, which we all consider as the foundation of our liberties. But I beg to ask, has the charter of our liberties become obsolete? If not, why are those mighty instruments hung up like rusty armour?—Does not every man know that they are endured only because they are not exercised? And that they are never mentioned, by any constitutional writer, without pleading their inactivity as the only apology for their existence! The taste and sense of the public is, in this respect, a reproach to the tardy liberality of the legislature.

Sir, a right hon. gentleman (Mr. Yorke) to whom I wish to allude with every possible degree of public and private respect, has desired that the Bill of Rights should be referred to: give me leave to ask, do you find in the Bill of Rights the principle of exclusion of Roman Catholics from the legislature or from the state? It is required, no doubt, by the Bill of Rights, that the new oath of supremacy, thereby substituted for the former one, should be taken by all who were bound to take the former one, but this is not introduced as one of the grievances redressed, or rights declared, but is merely incidentally mentioned, in consequence of the substitution of the one oath for the other; and the declaration against Popery is in no respect adverted to; but one fact, most decisive and important, on this point, is this, that when this act was passed, the Roman Catholics of Ireland were not, by any law, or usage, excluded from parliament or from civil or military offices. The articles of Limerick (3d Oct. 1691), stipulated for all such privileges, in the exercise of religion, as were enjoyed in the reign of Charles 2, and as were consistent with the laws of Ireland. They required the oath of allegiance, as created in the first year of William and Mary; and the oath to be administered to the Roman Catholics, submitting to his majesty's government, was to be that oath and no other; and it was further stipulated that, so soon as their affairs would permit them to summon a parliament, their majesties would endeavour to procure them such further securities as might preserve them from any disturbance, on account of their religion. At this time, Roman Catholics were not excluded from parliament in Ireland, nor were there any test or corporation laws in force against them. On the faith of these articles, all of which were punctually performed on their part, they surrendered the town, and left king William at liberty to apply his arms to the great cause in which he was sustaining the liberties of Europe. The stipulation, on the part of government, was to protect them against any additional oaths, and to endeavour to procure for them additional securities. What was done? The act of the third of William and Mary was passed, giving them no additional securities, but excluding them, for the first time, from parliament and from offices civil and military, and from the bar, unless they subscribed the Declaration against Popery, and swore the Oath of Supremacy. The stipulation, in the articles, had been, not for those in garrison, but that the Roman Catholics of Ireland should enjoy their privileges; for the garrison, they had stipulated for liberty to serve abroad, and to be conveyed accordingly. These victims of mistaken loyalty, when they were about to leave their native land, and with the characteristic generosity and improvidence of their country, to commit

themselves, with the fortunes of a banished monarch, stipulated, not for themselves, but for the country they were about to leave for ever, and the parliament, by a cruel mockery, enacted, not for the country, but for them, that they should not lose the privileges of—what? Of being barristers at law, clerks in chancery, attorneys, practitioners of law and physics, but that they might freely use the same!

Why, Sir, do I mention these historical facts? Not for the purpose of raking up the embers of ancient animosities, but for the purpose of shewing that, in restoring the privileges of the Catholics, we are performing an act of justice, and vindicating the Revolution from the stain of this act of perfidy;—men who have forgotten every circumstance of that great event, which connects it with the cause of civil and religious freedom, affect to call this breach of faith and honour, one of the sacred principles of our constitution. It is a miserable perversion of understanding, which can forget every thing sacred and animating, in that glorious struggle, which can fling away, as dross, the precious attestation, which it bears to the just rights of the people, which would bury in eternal oblivion, the awful lesson which it has taught to their rulers, but consecrates and embalms this single act of injustice, which disgraces it.

Sir, I am satisfied that the illustrious persons, who perfected the Revolution, were not aware of the injustice done to Ireland; in the crowded events of that day, the stipulations might not have been fully known, and there have been, at all times, a set of slaves ready in this country, to defame and to defraud their native land, to traffic on the calamities of their countrymen. I will go further and suppose that the severe necessity of the times may have made it impossible to avoid an act of injustice,—but I will not therefore confound the deviation with the rule; I cannot trample on the principle and worship the exception.—It might as well be said that, to restore the Danish fleet would be a violation of the laws of nature and of nations, because a deplorable necessity had compelled us to violate these laws by seizing it. I have, perhaps, dwelt too long on this part of the subject, but I felt anxious to meet the cry of this great charter of our freedom being at variance with the rights of the people. The great men of that day had deeply studied the laws and constitution of their country; with ardent feeling and sublime conceptions, they made no unnecessary breach, on any ancient usage; no wanton encroachment on any rights of people or of king; not like our modern improvers, who hold for nothing the wisdom which has gone before them, and set up their own crude conceptions, with an utter contempt for all the sacred lore of their ancestors. They committed no rude outrage on those who had gone before them; they entailed no odious bondage on those who were to succeed them—with the modesty and simplicity which characterize great minds, they declared the essential rights of the constitution. They saw that the system of the reformation would be incomplete, unless the king, who was the temporal head of the church, should be in communion with that church; they therefore enacted that he should hold his crown only while he adhered to his religion. They declared the throne unalterably Protestant—they declared the religion of the state unalterably Protestant; and, having thus laid the firm foundation of civil and religious freedom, they left all other considerations open to the progress of time and to the wisdom of posterity.

That time has come, and that posterity is now called upon to decide—we are fighting the same battle, in which the illustrious deliverer of these countries was engaged—we are defending the liberties of Europe and of the world, against the same unchangeable and insatiable ambition which then assailed them—we are engaged with an enemy, far more formidable than Louis the 14th, whether we consider the vastness of his plans, the consummateness of his skill, his exhaustless resources, or his remorseless application of them.—but if our dangers are aggravated, our means of safety are increased. William the 3rd was obliged to watch with a jealous eye, the movements of one half of his subjects, whilst he employed the energies of the other. We have it in our power to unite them all, by one great act of national justice. If we do not wantonly and obstinately fling away the means, which God's providence has placed within our grasp, we may bring the energies of all our people, with one hand and heart, to strike against the common enemy.

Sir, there is a kind of circular reasoning which seems, at some public meetings, to pass for full proof. They say that this measure invades the constitution, because it endangers the church; and they say it

endangers the church, because it invades the constitution. Sir, it is not sought to affect the church establishment—to take away its possessions, to degrade its rank, nor to touch its emoluments. Its doctrines and its discipline are not interfered with. This is no attempt to include the Catholic within the pale of the Protestant Church, nor to give him any share in its establishment. What is meant by the cry? Is it that the measure will be immediately injurious to the church, or that it will endanger the church, by enabling the Catholics hereafter to overturn it? In the first point of view the only immediate effect it has, is to open the honors of the state, to all other descriptions of subjects, as well as to those who profess the established religion: is it meant to be argued that the Protestant religion will be deserted, unless a temporal bonus is held out to those who adhere to it?—do they mean to recruit for the establishment, by a bounty from the state? The supposition is too abhorrent from the spirit of Christianity, and too degrading to the dignity of the church.—Then as to danger—the overthrow of the Protestant establishment—how is this to be effected? in parliament or out of parliament? by force or by legislation? If by force, how does the removal of civil disabilities enable them? does it not make it much more unlikely that they should make the attempt? and, if they should make it, will not the removal of the real grievance deprive them of the co-operation of the moderate and of the honest? If the latter, is it really apprehended that the number of members let in, would be strong enough to over-rule the Protestants, and force a law to pull down the establishment? Would you have the returns much more favourable to the Catholics than they are at present? If the entire 100 Irish members were to be Catholics, could such a measure, in the range of human possibility, be successful, or could it seriously enter into the contemplation of any man in his senses? The apprehension, when it undergoes the test of close examination, is perfectly chimerical: these are not the fruits of the wholesome caution of statesmen, but the reveries of disordered brains. But if you reject this measure now, and postpone it to times of difficulty and danger, will the interests of the Protestant church be better guarded? Grant it now, and you grant it as a matter of grace, to which you may annex every fair and reasonable condition; but if you find it necessary to resort to it in some hour of dismay and adversity, when the storm is blowing and the public institutions are rocking and toppling, will the establishment be perfectly secure? Again, if you grant it now, you give it to a class, as much inferior in property, as they are superior in numbers. Now it is a truth, as certain as any in political economy, that, at no very distant period, the wealth of the country must become diffused, pretty nearly in proportion to its relative population; will the Protestants of Ireland thank you for deferring the adjustment of this question until it shall be demanded by people, having as great an ascendancy in wealth as in population? Sir, these are serious practical considerations, and the clergy of this country would do well to weigh them and to reflect upon them. These are questions, much more of policy than of religion, and it is not without deep regret that I see any portion of that respectable body interpose themselves between the wisdom of the legislature and the temporal interests of the subject, with such a tone and such a manner as some of them have assumed on this occasion. If the interests of religion or the rights of their order are at stake, they are entitled to come forward as a body—even if the matter is merely political, they are entitled to come forward as individuals; but, that any of them should adopt the present tone of unqualified remonstrance, because the Commons of England propose to consider the political claims of their fellow christians and fellow subjects, with a view to a final and amicable adjustment, does not seem calculated to advance the real interests of religion.

Sir, religion is degraded when it is brandished as a political weapon, and there is no medium in the use of it: either it is justified by holy zeal and fervent piety, or the appeal to it becomes liable to the most suspicious imputation. Sir, I consider the safety of the state as essentially interwoven with the integrity of the establishment. The established religion is the child of freedom. The Reformation grew out of the free spirit of bold investigation: in its turn it repaid the obligation, with more than filial gratitude, and contributed, with all its force, to raise the fabric of our liberties. Our civil and religious liberties would each of them lose much of their security, if they were not so deeply indented each with the other. The church need not to be apprehensive. It is a plant of the growth of 300 years; it has struck

its roots into the centre of the state, and nothing, short of a political earthquake, can overturn it: while the state is safe it must be so; but let it not be forgotten that, if the state is endangered, it cannot be secure. The church is protected by the purity of its doctrines and its discipline; the learning and the piety of its ministers; their exemplary discharge of every moral and christian duty; the dignity of its hierarchy, the extent and lustre of its possessions, and the reverence of the public for its ancient and unquestioned rights; to these the Catholic adds the mite of his oath that he does not harbour the chimerical hope, or the unconstitutional wish to shake or to disturb it; and therefore, all which is requisite, for the security of the church, is that it should remain, in repose, on its own deep and immoveable foundations; and this is the policy which the great body of the church of Ireland, and, I believe I may add, of the church of England, have adopted. If any thing could endanger its safety, it would be the conduct of intemperate and officious men, who would erect the church into a political arbiter, to prescribe rules of imperial policy to the throne and to the legislature.

Sir, a reason assigned by the hon. member, who last spoke, for his change of opinion, is, that the sense of the people of England is against the measure. Supposing, for a moment, that the fact were so, to a much greater extent than it really is, would it afford a fair argument for precluding an enquiry and adjustment? I consider it, under any circumstances, an invidious and dangerous topic, to cite the opinion of the people of one part of the empire, against the claims of the people of another part of it; but to cite it as an argument against the full discussion of their claims, seems utterly unwarrantable. But, when it is recollected that the Union was urged upon the Catholics of Ireland, under the strong expectation that facilities would be consequently afforded to the accomplishment of their wishes, is it not something very like dishonesty, to press into the service, against their claims, the opinion of the people of England, and its authority with an English parliament? If this question were now under discussion in an Irish parliament, granted to be in itself just and expedient, called for by all the Catholics and by a great majority of the Protestants of Ireland, would it be endured, as an argument, that the cry of the people of England was against it? You have taken away that parliament, under the assurance that, in a British parliament, that might be safely done, which in an Irish parliament, might be difficult or dangerous, and now you say, 'true, the measure is right, but the difficulty grows from its being discussed in an English parliament, because such a parlaiment must defer to the prejudices of the English, at the expence of the rights of the Irish people.' It may be said that the people of England are no parties to such a compact; but I would appeal to the noble lord, who, if he did not guarantee it as a compact, was at least a very principal mover in holding it out as an inducement, whether he can countenance such a topic? or can he link himself with those who have, by every indirect method, endeavoured to excite the people of England, in order to fabricate the argument?

Sir, the opinion of the people is undoubtedly entitled to a respectful attention; it is to be listened to—to be canvassed, and, if sound and reasonable, to be deferred to; but the clamour of the people of either country is not to silence the deliberations of parliament, still less the opinion of a partial and very limited portion of that people; still less an opinion founded on imperfect views; still less an opinion founded upon gross prejudices, excited and kindled by artful and interested misrepresentation, and for the very purpose of preventing fair discussion. The opinion of the people of both countries is to be looked to, and the reasonable foundations of the opinions of both; and, in so doing, it is always to be recollected, that the sentiments of the Catholics are not to be the less regarded on account of their being principally condemned in one part of the united kingdom, but if, either from prudence or affection, they would be respected if interspersed through the counties of Great Britain, they are not the less entitled to attention, because they constitute four-fifths of the most vulnerable, and not least productive portion, of the empire. The question, it is true, is an imperial one: Why? Because Ireland is identified with your interest and happiness, and glory; her interests are yours, and therefore Irish policy is imperial policy; but it seems rather inconsistent to take cognizance of the question, on the supposition that the interests of the two countries are absolutely the same; and to decide it upon the principle that the rights of the one are essentially and un-

alterably opposed to the wishes and to the safety of the other. But, Sir, I utterly deny the fact, that such is the sentiment of the people of England,—a pretty bold experiment has been made, and it has failed. The intelligent class of the English public, those who from property and from education, and from place in society, are entitled to sway the opinion of the legislature on this, or on any political subject, are, I firmly believe, friendly to a full discussion of the Catholic claims, and with a strong leaning in favour of liberality and concession, if they can be made appear consistent with public safety. This is a tribunal to which an appeal may be fairly made, and to which adequate and ample satisfaction should be given; and there is no concession or sacrifice, not inconsistent with the essential principles of their religion, which the Catholics are not bound to make for the purpose. But, Sir, beyond this public, and to the dregs of the community I fear there are some desperate enough to look: I have heard something like a muttered threat of such an appeal; but I do not believe, though there is much valour at present on this subject, that we need fear a repetition of the outrages of St. George's Fields; I do not fear that our ears will be again assailed by the hell-shout of "No Popery." I have heard something more than an insinuation, within these walls, that this is a question in which the lower classes of the people are very deeply interested, and that their voice is, on this occasion, to be particularly attended to. Sir, the doctrine is rather novel in the quarter from which it proceeds, nor am I disposed to give it an unqualified denial. I should be sorry to contend, that the voice of any portion of our fellow subjects, however humble, should be disregarded; if they complain of grievances by which they are oppressed, of justice withheld, or of any thing trenching upon their freedom or their comforts, they are to be heard with patient and with deep attention; and the more humble the situation of the complainants, the more bounden the duty of the representative to listen to them; but, on a subject like the present, where the legislature is called on to withhold the privileges of the constitution from a great proportion of the people, upon supposed principles of state government; when claims of common right are withheld, in deference to sacred and mysterious maxims of imperial policy; on such a subject, I say, it is something more than absurdity to affect a deference for the shouts of the lower orders of the people. Sir, the apprehension of such an appeal being resorted to, need not affect our deliberations; those who intimate such an intention know full well that, though the threat may be endured, the times would not bear the execution of it; they know full well that, if parliament determines to pursue its steady course of calm investigation and liberal adjustment, there is no faction in the state, which can effectually interpose between the sovereign authority of the legislature and the just demands of the people.

Sir, the conduct of the Roman Catholics of Ireland has been resorted to, as an argument for abandoning the pledge of the last session. Sir, I am not the advocate of their intemperance; I am free to say that there have been some proceedings, on the part of the public bodies, who affect to act for them, altogether unjustifiable. Their attempts to dictate to the entire body how they are to act on each particular political occurrence, their presuming to hold an inquisition on the conduct of individuals, in the exercise of their elective franchise, and putting them under the ban of their displeasure, because they vote for their private friends, and abide by their plighted engagements; all this is a degree of inquisitorial authority unexampled and insufferable; and this, by persons professing themselves the advocates of unbounded freedom and unlimited toleration, at the moment when they are extending their unparlying tyranny into the domestic arrangements of every Catholic family in the country. Sir, I am equally disgusted with the tone of unqualified demand, and haughty rejection of all condition or accommodation so confidently announced by them; nor can I palliate the intemperance of many of their public speeches, nor the exaggeration and violence of some of their printed publications. To this tone I never wish to see the legislature yield; but, as this indecent clamour is not to compel them to yield what is unreasonable, I trust it will not influence them to withhold what is just.

Sir, it appears to me most unfair to visit on the Roman Catholics, the opinions and the conduct of such public assemblies as profess to act for them; if they labour under a real and a continuing grievance, and one which justifies, on their part, a continued claim, they must act through

the medium of popular assemblies, and must, of course be exposed to all the inconveniencies which attend discussion in such assemblies. In all such places, we know that unbounded applause attends the man, who occupies the extreme positions of opinion, and that the extravagance of his expression of such opinion will not be calculated to diminish it. That there may be many individuals, anxious to promote their own consequence, at the expence of the party, whose interests they profess to advocate, is an evil inseparable from such a state of things; and, amongst those who sincerely wish to promote the interests of the cause, much may fairly be attributed to the heat, naturally generated by long continued opposition; much to the effects of disappointed hope; much to the resentment, excited and justified by insolent and virulent opposition. But, Sir, I should unworthily shrink from my duty, if I were not to avow my opinion, that the unfortunate state of the public mind in Ireland is, above all things, imputable to the conduct of the government. Without recurring, unnecessarily, to subjects which have been already discussed in this House, I may be allowed to say that the rash interference with the right of petitioning, has given deep and just offence to the entire Catholic body. They have been compelled to rally round their constitutional privileges, and make common cause; those excesses, which, two years since, would have been eagerly repressed by the Catholics themselves, might now, I fear, be regarded with some degree of favourable allowance on their part.

Sir, I must say that the country has not been fairly dealt with on this subject. It is the bounden duty of the government to make up their mind, and to act a consistent part. If this measure is utterly inadmissible, expectation should be put down by the certainty of rejection; resentment should be allayed by the clear exposition of the necessity which bars; the fever of the public mind should be subdued, and all the means of conciliation, consistent with such a system, should be resorted to. If, on the other hand, this claim may and ought to be acted on, it should be frankly received and honestly forwarded; every facility for its accomplishment should be afforded, by tempering and directing the proceedings of those who seek it; by suggesting the conditions and terms on which it should be granted; and by arranging the details, as well as by planning the outlines, of such a system. But how can any honest mind be reconciled to the ambiguity, in which the cabinet has concealed itself from public view, on this great national question,—or with what justice can they complain of the madness, which grows out of this fever of their own creating. This is not one of those questions which may be left to time and chance; the exclusion of these millions, from the rights of citizenship, is either a flagrant injustice, or its necessity springs out of the sacred fountains of the constitution. This is no subject of compromise. Either the claim is forbidden, by some imperious principle too sacred to be tampered with, or it is enjoined by a law of reason and justice, which it is oppression to resist. In ordinary cases it sounds well to say that a question is left to the unbiassed sense of parliament and people; but, that a measure of vital importance, and which has been again and again discussed by all his Majesty's ministers, should be left to work its own course and suffered to drift along the tide of parliamentary or popular opinion, seems difficult to understand,—that government should be mere spectators of such a process is novel; but, when it is known that they all have considered it deeply, and formed their opinions decidedly in direct opposition to each other, that, after this, they should consult in the same cabinet, and sit on the same bench, professing a decided opinion in point of theory, and a strict neutrality in point of practice; that, on this most angry of all questions, they should suffer the population of the country to be committed in mutual hostility, and convulsed with mutual rancour, aggravated by the uncertainty of the event, producing, on the one side, all the fury of disappointed hope, on the other side malignity and hatred, from the apprehension that the measure may be carried, and insolence from every circumstance, public or private, which tends to disappoint or to postpone it; one-half of the King's ministers encouraging them to seek, without enabling them to obtain,—the other half subdivided; some holding out an ambiguous hope, others announcing a never ending despair. I ask, is this a state in which the government of the country has a right to leave it? Some master piece of imperial policy must be unfolded, some deep and sacred principle of empire, something far removed from the suspicion of unworthy

compromise of principle for power, to reconcile the feelings of the intelligent public, or to uphold a rational confidence in the honesty or seriousness of the government. Sir, the consequences of such conduct are disastrous, not merely in the tumult and discord which, in this particular instance, they are calculated to excite, but in their effect upon the character of the government and the times. Sir, I repeat it, the Irish Catholics have not been fairly dealt with; the government has not, in any instance, come into amicable contact with them; it has not consulted, nor soothed, nor directed them; it has addressed them only in the stern voice of the law, in state prosecution, and it is most unjust to charge against them the anger, which has been kindled by such treatment: but, Sir, I ask what have the Catholics done? Look to their actions for the last century, and do not judge them by a few intemperate expressions or absurd publications,—these are not the views of statesmen,—you are considering the policy of centuries, and the fate of a people, and will you condescend to argue, on such a subject, the merits of a pamphlet, or to scan the indiscretions of an angry speaker at a public meeting? Of this I am sure that, if the violence, with which the demand has been urged, by some of its advocates, is to create a prejudice against it, the virulence, with which it has been rejected, by some of its opponents, ought to be allowed to have some operation in its favour; perhaps under these opposite impulses of passion, a chance may be afforded of reason having fair play; and a hearing may be procured for the merits of the case. This too should not be lost sight of, that the Catholics are seeking their rights; that they are opposed by an adverse government, many of whom declare that no concession, on their part, could be effectual, but that their doom is interminable exclusion. May I ask, whether it is fair to require, or reasonable to expect, that the Catholics should, under such circumstances, exercise a fastidious delicacy, in the selection of their friends; and say to those, who profess themselves their advocates, "We refuse your aid, your language is not sufficiently measured; you urge our demands in too warm and too unqualified a tone, and we prefer the chances, which may arise, from throwing ourselves on the mercy of our enemies?"

Sir, I will not affect to disguise the fact, that there are persons in Ireland, who look to revolution and separation. I certainly do not mean to say, nor do I believe, that those, whose warmth of expression has been so much, and so justly complained of, are, in the most remote degree, liable to the suspicion of being joined with such a party. The Separatists are, in my judgment, neither numerous, nor, in themselves, formidable; and, of this I am sure, that they tremble at the prospect of the adjustment of the Catholic claims, as a measure deadly to their views. Is it a wise policy, is it a course which any government can justify to the country, to recruit for these public enemies, by endeavouring to embody the legitimate claims of the Catholics with their wild and pernicious projects? Is it not madness to oppose the same blind and indiscriminate resistance to the honest objects of the great untainted landed and commercial interests of the Catholic people, and to affect to confound them, in a common cause, with those miserable enemies of public freedom and safety? Sir, if I am asked what course, in my opinion, should be pursued, in this momentous business, I cannot answer without doubt and distrust in my own judgment, where I may differ from many whose opinion I highly respect; but it is fair to say that the opinion, which I have always entertained, and always expressed, publicly and privately, on this subject, is, that this measure cannot be finally and satisfactorily adjusted, unless some arrangement shall be made, with respect to the Roman Catholic clergy, and some security afforded to the state, against foreign interference. On the best consideration I have been able to give the subject, and on the fullest communication I have been enabled to obtain on it, I am satisfied that such security may be afforded, without interfering, in any degree, with the essentials of their religion; and, if so, the mere circumstance of its being required, is a sufficient reason for conceding it. This is not a struggle for the triumph of one party of the state over another; it is a great national sacrifice of mutual prejudices, for the common good; and any opportunity of gratifying the Protestant mind should be eagerly seized by the Catholic, even if the condition required were uncalled for by any real or well founded apprehension; but I must go a step further, and avow, that the state has, in my opinion, a right to require some fair security

against foreign influence in its domestic concerns. What this security may be, provided it shall be effectual, ought, as I conceive, to be left to the option of the Catholic body. I am little solicitous about the form, so that the substance is attained. As a Veto has been objected to, let it not be required; but let the security be afforded, either by domestic nomination of the clergy, or in any shape or form, which shall exclude the practical effect of foreign interference. Let them be liberally provided for by the state, let them be natives of the country and educated in the country, and let the full and plenary exercise of spiritual authority by the Pope, which forms an essential part of their religious discipline, remain in all its force; leave to their choice the mode of reconciling these principles, and stand not upon the manner, if the thing is done. An hon. gentleman asks, will this satisfy the Catholics? I will not be so indiscreet as to answer for what will satisfy them; I believe it will; but it is enough for me to know that this ought to satisfy them; and of this we may be convinced, that we do not enable them to obtain what they ought not, by granting them what they ought to have: but what is the use, it is asked, of a measure proposed as an instrument of peace, if it is likely, on the contrary, to produce nothing but dissatisfaction? I answer, first, I believe it will produce full satisfaction, if frankly proposed, and honestly acted on; but if you doubt of this, do not make your proceeding an absolute and a final one,—reserve the operation of the act, which grants relief, (if you think it necessary) until the accompanying measure of security shall be ripened, so as to ensure satisfaction in their enactment;—declare your principles of security, and your conditions, and let the operation of your law, or the effect of your resolution, await the desire of the Catholic body, signified, or fairly understood, with respect to them. Pursue this course, put this measure into the hands of those, in whom the Catholics can place confidence, or give them such a parliamentary pledge, that they may see that the accomplishment of their wishes is dependant on their own good sense and moderation; and, I have no doubt, they will not be wanting to contribute their part, to this great national work of strength and union,—in all events you will have discharged your duty; you will have given satisfaction to the honest, and to the reasonable. You will have separated the sound from the unsound; and you will leave the bigot or the incendiary, stripped of all his terrors, by depriving him of all his grievances.—Sir, I have done.—I may be in error; but I have not sacrificed to interest or to prejudice, and I have spoken my sentiments in the sincerity of my heart.

The Right Hon. *Charles Yorke:*

Mr. Speaker; I cannot withhold my well merited tribute of applause to the right hon. member who has just sat down on the brilliant display of eloquence he has made;—eloquent, however, as he has been, he has failed of convincing me. I request the indulgence of the House, while I state, as briefly as possible, some of the grounds on which I hold a different opinion, and with which nothing but an irresistible sense of public duty, could induce me to trouble them at this time, after the repeated discussions the subject has already undergone, and the share I myself took of them, on a former occasion.

It is evident that the right hon. gentleman is by no means unaware of the point, where the greatest danger lies; when he assures us of his own jealousy of the power and influence of the papal see and of the Romish priesthood; and I admit, that if I could be fairly satisfied on that most material point, the peril of foreign interference, I should be inclined to lend myself to the question, and endeavour, as far as practicable, to satisfy the reasonable claims of the Roman Catholics. Before I go into this part of the subject, however, I wish to set the right hon. gentleman right in one or two points, in which he appears to have misunderstood my hon. friend (Mr. Bankes). My hon. friend has justified his change of opinion (among other very weighty and satisfactory reasons), not on the sentiments expressed by so large a proportion of the British Protestant people alone (though this of itself would have been a most material circumstance, occurring since the Resolution of the last session); but on the great alteration, which has taken place, in the sentiments of the Protestants of Ireland. This seems to me, of itself, sufficient to vindicate the change, which has taken place in the view of my hon. friend. Neither have the Test and Corporation Acts been spoken of as the bulwarks of the constitution, abstractedly considered, but as those of the established church, which, however, might

be considered as in a manner identified with it. On the main question I agree, in several particulars, with the hon. gentleman who spoke last. It has never appeared to me to be a question of toleration, in the correct sense of the word; for the Roman Catholics are completely tolerated in the free exercise of their religion; and, could it be shewn, that this toleration is really defective in any particular, I, for one, am ready to concur in a proper remedy. Neither is it a question of right; for the right is, undoubtedly, in the state, to protect itself and its establishments, against all those who may be supposed hostile to it. On the other hand, I will readily admit that all these disabling laws are only justifiable on the ground of the necessity of self defence, on the part of the state; if the necessity no longer exists, let them be repealed. The true question therefore is, are they now necessary for the preservation of our Protestant community? It will not be denied, that we are essentially a Protestant state; and that this is a fundamental principle of the constitution. The Bill of Rights decides this point; and it appears to me, superfluous at least, if not mischievous, to re-enact, as the right honourable mover has proposed to do, the Bill of Rights and the Act of Settlement, in the Bill, which he intends to bring in, upon this occasion. I, for one, am not obliged to the right hon. gentleman for offering to declare these, our ancient and fundamental laws, in the preamble to a modern act of parliament.

If, then, these are our fundamental laws, it seems to be clear and indisputable that the *onus probandi* rests upon those, who would propose to us to alter or rescind them. We have a right to be satisfied on a matter so important. It is enough for us to say, here are our laws, and on these we rely. We are surrounded by gloomy clouds and the thick darkness of the present time; we are wandering in the most dreadful obscurity, both moral and political, in which the world was ever involved; we cannot see our way; we must wait for the dawn; our only hope of safety consists in clinging to our venerable, and long-tried institutions.

I for one, Mr. Speaker, must declare, that, after the most attentive (and I hope unprejudiced) consideration of this subject for several years, I am not satisfied that this fundamental alteration in our constitution, in church and state, can be safely attempted at the present moment. It is obvious, that, if these restraining or disabling statutes are altered or laid aside, with regard to the Roman Catholics, the same must be done for Protestant dissenters of all descriptions, by inevitable consequence; and it will be for the House to consider, whether they are prepared to repeal, at once, the Test and Corporation Acts. I am not, however, one of those who think that these restraining statutes may not ever be laid aside; it is sufficient for me to express my opinion that they ought not to be laid aside now. Circumstances may arise hereafter, which may render such a measure expedient and desirable; circumstances, similar to those, which have occurred heretofore; I mean in 1790 and 1791. At that period, which was about the time of my first entering this House, I felt the strongest desire to see such a measure carried through, with reference, as well to Ireland, as to Great Britain; and I have ever since been amazed at the failure of so salutary an arrangement. I have ever since been unable to account for the reason, why so favourable an opportunity was omitted, as then presented itself, when the Braschi Pope (Pius 6,) was seated in the Papal chair, whose attachment to the British nation was well known; and whose territories, about the time when some of these plans were in contemplation, (1793-94) were actually protected by a British fleet, as his person was, by a regiment of British dragoons. It is inconceivable why something effectual was not then accomplished; but it would appear as if the government of that day, had "reckoned without their host;" that is, had neglected to secure the co-operation of the Pope; without whose assistance, I am afraid, that nothing final or satisfactory to the Roman Catholics, can ever be brought about. I think some such arrangement might have been made, at the period to which I allude; I will not even despair of similar favourable circumstances recurring again. Suppose that, in the midst of the extraordinary and varying events to which we have been witnesses; suppose that, among the tens of thousands of victims who perished in the bloody field of Borodino, or in that dreadful retreat from Moscow, amidst the horrid severities of a Russian winter, it had pleased Providence to put an end to the career of our mortal and inveterate enemy, the most execrable tyrant that ever afflicted the human race, is it too

much to imagine, that the lapse of a few months, perhaps, might have placed this country, and all Europe, in a situation, so different from that in which it has been so long involved, as to justify sanguine expectations of the recurrence of such favourable circumstances: be that as it may, however, I have great doubts whether this plan can ever succeed without the concurrence of the Pope himself, in some shape or other; and, as it is evident that there is no probability whatever of obtaining it, at the present moment, I can see no good, but on the contrary, much evil, likely to arise from going into a general committee on the Roman Catholic claims, such as is now proposed.

This is a question wholly of political expediency; in other words, on which side lies the greater difficulty and danger? First, what is the danger to be apprehended from conceding to the Roman Catholics at this time? Secondly, what is the danger to be apprehended from not conceding to them, at the present time? Under these two considerations, all the main arguments, relied on by the supporters of these innovations, appear to be reducible; as they consist; First, in depreciating and ridiculing the supposed power, influence, and dangerous tenets of the Papal See, and of the Romish priesthood; and, secondly —in exaggerating and magnifying the perils to be expected from the discontents and dissatisfaction of the Papists in this realm, if their demands are not complied with.

As to the first point, it must depend on a consideration of the Popish tenets of this day; and of the conduct of that church, with reference to the actual state of affairs in Europe, at this alarming conjuncture.

I must here observe, that these Roman Catholic pretensions approach us under a double aspect; as it were, under a mask with two faces. There is the *Religio Laici*, and there is the *Religio Cleri*. When it is objected that the opinions and tenets of the Romish church are irreconcilable with, and hostile to, our Protestant establishment, we are told that the higher ranks of the Romish communion, in the united kingdom, the nobility and gentry, who claim a participation in our privileges, care very little about these dogmas and doctrines, or about the Pope's supremacy. They are of the old religion; and adhere to it, forsooth, more on the footing of a point of honour, and as a mark of ancient family and clanship, than on account of religious faith or moral conviction. And, indeed, there can be little doubt that freethinking and infidelity have made a progress among Roman Catholics of the above description, as they have done among Protestants of a similar class. But the *Religio Cleri*, is still a different thing, and the clergy, and many, undoubtedly, of the laity too, are really good and sincere Catholics, and conscientiously adhere to the tenets and principles of the Church of Rome, as being applicable to all times and seasons, and in their nature unchangeable and indestructible; and, with this argument we are met, when we ask why do the Roman Catholics of this day adhere so pertinaciously to the supreme spiritual authority of the Pope? I must therefore protest against being bound to consider and decide a question, of such immense importance, on such loose and uncertain grounds; and must insist on having a right to treat the Roman Catholics on this occasion, as sincerely attached to their faith, and to the peculiar doctrines of their church.

I have a right, then, to enquire, first, Is the Church of Rome, in its doctrines and discipline, materially changed from what it was heretofore?—and, secondly, Do its professors and ministers, the Romish clergy, continue to hold the same, or nearly the same, influence and authority over the minds and consciences of their flocks (in this realm) as they did in former times?

In order to prove that the Popish tenets are not materially altered, I do not think it necessary to resort to ancient authorities, nor shall I troble the House with a reference to decrees and councils, which are said, or supposed, to be antiquated. I wish only to refer them to the very modern decrees and ordinances of the present Pope, on the occasion of his being deprived of his dominions, and removed from Rome to Savona, in the years 1808, and 1809; and to what has, very recently, happened in Great Britain and Ireland, in relation to the episcopal and spiritual jurisdiction, as well as to the rules and doctrines promulgated by authority of the college of Maynooth.

I will now read some extracts from a book lately published by Brown and Keating (and which has every appearance of being authentic), intituled, "*Relation de ce qui se passa à Rome, à l'Envahissement de Pius VII.*" to prove, 1°. that the general description of the Pope's authority is

the same as heretofore;* 2°. that the Catholic religion cannot, in its nature, tolerate any other forms of worship;† 3°. that all Bishops must be dependent on the Papal See; ‡ 4°. that oaths of fidelity cannot be taken to an intrusive or heretical government; || 5°. that the modern morality of

* "His Holiness, in quality of the chief of religion, is to be considered as holding the place of the God of Peace."—*Relation*, &c. vol. 1, p. 149.

"The Pope is chief master and common father of all the faithful, to whom God himself has given the spiritual power over the whole world."—Ibid. p. 189.

"Intelligant illi (Reges &c.) aliquando, imperio ipsos nostro ac throno Lege Christi subjici; imperium enim nos quoque gerimus, addimus etiam præstantius."—Ibid. vol. 3, p. 76.

† "The new French code declares that all forms of worship shall be free and publicly exercised. But we have rejected this article as contrary to the canons, to the councils, to the Catholic religion, to the tranquillity of life, and to the welfare of the state, on account of the fatal consequences which must result from it."

‡ "It is desired that the bishopricks may be reformed, and the bishops made independent of us. But this being contrary to the intention of our lawgiver and Lord Jesus Christ, who has ordained that there should exist, between St. Peter and his Apostle, an union, represented, at this day, by that which exists between the bishops and ourselves, &c. &c. accordingly, we protest that we are determined to preserve, for ourselves, the plenitude of our primacy, and the dependence of all bishops upon our see, as it is ordained by the pontifical bulls, the sacred canons, and the councils."—*Relation*, &c. vol. 1, p. 40.

"His Holiness orders it to be stated that the original duty of subjection and allegiance (*i. e.* to the natural sovereign) cannot prevail against the sacred engagements, which the cardinals (and bishops) contract towards the church of God, by their oaths of consecration."—Ibid. vol. 1, p. 124.

"The Pope is not simply bishop of Rome, but pastor of the universal church, in virtue of which he has the right of choosing his own ministers and co-operators in the apostolate, from among all the nations of the earth. And the clergy of Rome has always, from the earliest times, been composed, not of Romans alone, but of individuals of every nation."—*Relation*, &c. vol. 1, p. 169.

|| "This is not only the government of a *stranger*, but a government, notoriously interfering with the *spiritual* power, in every place to which it extends, and a protector of all sects, and all forms of worship. This system of *indifferentism*, which supposes no religion to be true, is that which is the most injurious and the most opposite to the Catholic Apostolic Roman religion, which, because it is *divine*, is necessarily *the only one*; *and cannot form any alliance with any other*; any more than Christ with Belial, the light with darkness, truth with error, or true piety with impiety.

"That man can neither know, nor love that most holy religion, *out of the pale of which there is no hope of salvation*, who does not tremble, with horror, at the situation in which he will be placed, under the new government; who does not perceive, of himself, that he cannot, without a manifest injustice, indeed without *enormous sacrilege*, afford any sort of adherence, favour, approbation, or co-operation with such a government.

"It follows hence, 1st, That it can never be allowed to take an *unlimited oath of fidelity* to such a government. 2dly, That it is unlawful to accept and hold any offices under it, tending to its support and maintenance; because it is a general principle, that no one is permitted to enter or persevere in a state *(dans un état)* however necessary for his subsistence, if it is incompatible with his conscience, and with the interests of his eternal salvation.

"But with a view to the public tranquillity, the Pope allows an oath of *passive* allegiance to be taken, according to a formula.—'I promise and swear to take no part in any conspiracy, plot or sedition against the existing government, and likewise to be submissive and obedient to it, in every thing which may not be contrary to the laws of God and of the holy church.'"—*Relation*, &c. vol. 1, p. 193.

"Can we possibly dispense ecclesiastics from the pontifical law of the sacred canons, which prohibits them from taking any oath of fidelity to the lay (or secular power) from whom they do not receive *any Temporality?*" *Cons. de Lateran IV. des Sermens.*—*Relation*, &c. vol. 2, p. 29.

the Papal see is nearly the same as heretofore; § and 6°. that the Papal power of excommunicating offending princes and their subjects, under the decrees of the Council of Trent, is now exercised as in former times.§§

Mr. Yorke also, among other passages, quoted the following words, from the Manual of Doctrine and Discipline, now used by the college of Maynooth (Tractat. de Ecclesiâ): "Itaque maximo in pretio illud Concilium (Tridentinum *scilicet*) habere debent omnes Clerici, cum ratione dogmatum, sit veluti omnium precedentium synodorum compendium; et ratione disciplinæ, dici merito possit manuale, sacerdotum, vel omnium qui sacerdotio sunt initiandi."

[After reasoning upon these documents, and shewing how completely they proved the position that the court of Rome was not materially changed in doctrine and discipline, from what it was heretofore, he continued.]

I shall now proceed to substantiate the fact, that the Romish clergy continue to possess and to practise a very powerful and mischievous influence over the laity of that persuasion, both in Great Britain and Ireland. For this purpose, I refer to what passed in England in 1789-90, on the occasion of the famous controversy between the Catholic Committee, to whom the conduct of the Bill (usually called Mr. Mitford's Act) was committed, in its passage through parliament, and the three apostolic vicars, upon the subject of the

§ "Bull of Indulgences to the Cardinals, archbishops, bishops, and vicars capitular of France and Italy. Feb. 1809. Vol. 2, p. 109.

"*Indulgences concerning Marriage.*

"Some of you have requested the faculty of dispensing, or giving permission for marriages to be contracted between parties, one of whom professes the Catholic faith, and the other heresy. But you know perfectly well that the true Catholic Church has ever strongly reprobated marriages with heretics; the Church has them in *horror*, as has been said by Clement 11, our predecessor, of happy memory; 'on account of the multiplied *spiritual* dangers which they produce.'—The same laws, which induced him to forbid *Christians* to intermarry with the *Infidels*, also determined him to prohibit the sacrilegious nuptials of *Catholics* with *Heretics*. On this principle, notwithstanding the most pressing instances on the part of the bishops, the holy see has never consented to grant this faculty, especially in Europe; and, notwithstanding the special reasons urged by several of you, arising from the actual situation of France, the utmost which can be done is, for the Pope to take the matter into his most serious consideration."—Vol. 2, p. 109.

"6. Indulgence to dispense, in the case of marriage, with the impediment resulting from the crime of adultery between the parties, with a promise of future marriage, provided nevertheless that neither of the parties had efficaciously contributed to the death of the deceased husband.

"13 and 14. Indulgences to dispense the incestuous parties, in cases, where the right to demand the conjugal duty has been lost by occult and carnal commerce with a near relative, either in the first or second degree, on condition of penance, &c. *Eloignement d'occasion, &c.*

"To dispense, where marriage *has been* contracted, with the occult impediment of the first and second degree of affinity, proceeding from carnal and criminal union, provided that the crime has not been committed with the *mother of the wife*, before the birth of the latter, and not otherwise; on conditions similar to the preceding. 15. To dispense, in a similar case, where the marriage *has not been yet* concluded, but is ready to take place, and cannot be delayed for the special dispensation of the holy see without great scandal."—*Relation*, &c. vol. 2, p. 149.

§§ Bull of Excommunication against Buonaparté and his adherents, 1809.

"Hinc autoritate omnipotentis Dei et S. Sanctorum Apostolorum Petri et Pauli ac *Nostrâ*;

"Declaramus eos omnes, &c. excommunicationem majorem aliasque censuras ac pœnas ecclesiasticas à sacris canonibus et apostolicis constitutionibus et generalium conciliorum, Tridentini præsertim (Sess. 22. cap. de Reform.) decretis inflictas, incurrisse; et eos excommunicamus et anathematizamus de novo. *Nonobstantibus* constitutionibus et ordinationibus apostolicis, necnon quibusvis, etiam *juramento*, confirmatione apostolica, vel quâvis aliâ firmitate, roboratis statutis, et consuetudinibus ac usibus, ac stylis etiam immemorabilibus," etc. etc.—*Relation*, &c. vol. 8, p. 76.

oath, proposed by the former, and insisted upon, as strictly conformable to the original declaration and protestation, which had been subscribed by a very great number both of the clergy and laity of that day, and by the said three vicars apostolic themselves; though they afterwards renounced their signatures, and disclaimed and reprobated the instrument itself, as well as the very able and convincing arguments in support of it, adduced by the Catholic committee, by an Encyclical letter, by which they required absolute submission to their decrees *ex Cathedrâ*, and to which, in spite of reason, justice, and sound doctrine, which were all on the side of the committee, it was ultimately obliged to submit.

I also refer to what passed in Ireland a few years ago on the subject of the Veto, or approbation of the crown, proposed to be exercised by it upon the nomination and selection of the Roman Catholic bishops of that part of the empire; on which occasion, after much disgraceful shifting and tergiversation, on the part of the Roman Catholic bishops, the laity, at last, implicitly submitted to the fiat of their clergy; when reason, justice, policy, and the constant undisputed practice of all the other countries of Europe, Catholic or non-Catholic, were unequivocally on their side.

Hence it may fairly be concluded, that the tenets of the Romish church generally, the submission of its clergy to the papal (*i. e.* a foreign) jurisdiction, and of its laity to this so influenced clergy, remain nearly as they were heretofore. It follows then that we ought to enquire in what state this foreign supreme jurisdiction now is, with reference to the state of affairs in Europe at this most alarming crisis. [Mr. Yorke then referred to various transactions, which have lately passed between Buonaparté and the Pope, particularly in relation to the removal of the latter from Rome to Savona, and subsequently to Fontainbleau; to Buonaparté's public and solemn declarations that the French empire should submit to no spiritual nor ecclesiastical jurisdiction, but such as should be resident within itself, &c. &c. as well as to the new Concordat, very recently concluded upon between the Pope and Buonaparté at Paris; from which it clearly appears that the former has finally submitted to become the subject and vassal of the latter. Buonaparte's great anxiety, on these subjects, was a clear proof of the real power of the Pope, and of the real importance the ruler of France attached to his character, although his slave and prisoner; and the pains this eldest son of the Church and rightful successor of Charlemagne, had recently taken, with regard to the nomination of the bishops of France and Italy, afforded a lesson which ought not to be lost upon us.]

Mr. Yorke then proceeded:—I have ever thought that there was less danger to be apprehended, to this Protestant community, from this foreign ecclesiastical influence, while the Pope was resident at Rome, and possessed of an open, independent, temporal sovereignty there, than as now, when the Pope, powerless and degraded as he is described to be (but still evidently possessing a most important spiritual influence), is completely in the hands of Buonaparté. In the former case it was possible that something might be accomplished (through negociation), for settling this question, between our Protestant state and the Roman Catholics of the British empire; but in the latter, it is apparent that nothing satisfactory can be within our reach.

I must here again declare, Mr. Speaker, that it is to this foreign interference and jurisdiction, implicitly submitted to by the Popish clergy of these realms, that I principally object; I consider the other peculiar doctrines of the Romish faith, such as transubstantiation, worship of saints, auricular confession, penance, &c. to be of comparatively trifling importance; an importance, which attaches to their tenets, almost entirely in my opinion, on account of the practicability of their becoming subservient to the views of a foreign power, acting, through the Pope, upon the minds and consciences of individuals of this persuasion. But it is said that we have already conceded so much, that little or nothing is left to give; and we are condemned for withholding that, which only produces irritation. But is it true that the Roman Catholics deem that, which they now demand, as of little or no importance? Are seats in this and the other House of Parliament nothing? Is the command of fleets and armies, and to partake in the supreme administration of justice, of trifling consequence? For my part, I am of a very different way of thinking, and cannot contemplate, without serious apprehensions, the growth of a Roman Catholic party, introduced into parliament, and acting uni-

formly together, with one object in view. We all know what even a small party is capable of effecting in this way.—And is it quite improbable that such a party, acting in concert with Protestant Dissenters, and through the medium, for instance, of the abolition of tythes, may not be able, in process of time, to bring the church establishment into danger; and eventually shake the very foundations of the state?

On the other hand, what are the dangers with which we are threatened, should we not think fit to concede that, which is now so pertinaciously demanded?—Phraseology and circumlocution apart, we are fairly told that we must expect insurrection and rebellion, on the part of the Irish Roman Catholics, and the eventual separation from British connexion, should we prove obdurate. I do not believe it. That there are agitators in Ireland, I do believe, who endeavour to make use of this Catholic question to cover their traitorous and malignant designs. But I do believe, that the main body of the Roman Catholics, both there and here, are loyal men; and I am persuaded, that they are much too wise and prudent, to be the instigators and the victims of rebellion and civil war; to sacrifice their share of the greatest temporal blessings, of such real comfort, opulence, peace, and security, as surely were never surpassed by any description of men, in any country whatever.

And all for what? Not for any positive grievance or oppression, affecting their private rights, fortunes, liberty, or happiness; not for the want of liberal and effectual toleration of their religion, rightly understood; not for any denial of justice between man and man; not on account of the absence of any real temporal blessing; but for a grievance, if not ideal in the abstract, yet amounting to little more in the concrete; for the attaining of certain contingent privileges which could, by possibility, attach only to the smallest assignable number, from among the many ten thousands of the Roman Catholic population of the empire.

I confess, Mr. Speaker, it requires no small share of patience to listen to those, who, while they complain of the oppressive restraints, of the slavery of our British Protestant institutions, continue passively and slavishly to submit their necks to the yoke of a foreign spiritual tyranny, such as all history has proved it to be. To hear them crying out for emancipation, from the bondage, forsooth, of the Bill of Rights, and Acts of Settlement, and paltering with their allegiance to the house of Brunswick, while they fall prostrate before the decrees of the councils of Lateran and Trent, and tremble at the bulls and rescripts of some miserable Italian or French Prelate, who is himself the chained and pensioned vassal of the most mortal and implacable foreign enemy their country ever had, of the most detestable and execrable tyrant, whom the world ever saw.

Whom have they to blame for this state of degradation and inferiority, of which they so loudly and pertinaciously complain? Whom but themselves? Why do they not dare to raise their eyes above this night of spiritual darkness and ignorance, in which they voluntarily suffer themselves to be involved? Why do they not shake off this scandalous foreign yoke? Why, at least, do they not agree among themselves (I do not say to abjure the peculiar tenets and articles of their faith), but to abjure this foreign interference, in the appointment of their spiritual pastors, whom they might chuse and nominate among themselves, by capitular or provincial election, and who might be instituted and consecrated afterwards, by the hands of their metropolitans, or eldest bishops, in whom, they will not deny, that the apostolic succession continues to exist. For what, if it was not to aid them in shaking off the necessity of foreign interference in these respects, and to enable them to exercise the just and enlightened discipline of a domestic church, was the national college of Maynooth established? Why is it now supported by a Protestant community at a great expence?

But it is said that citizens of the same state ought to be entitled to equal privileges. But in what sense can those be asserted to be citizens, who profess a divided allegiance? No man can serve two masters. The Roman Catholics of this day consent to pay only a half allegiance, and are to be considered only as half subjects of our lord the King. The Pope has the other moiety of their allegiance; and how can those, who will not agree to be citizens, on the footing of their fellow subjects, have a right to expect to enjoy the complete and perfect privileges of citizens?

I, for one, am decided, that, until I receive just and adequate satisfaction, on this essential point of foreign interference, no consideration shall induce me to agree to concede the Roman Catholic claims, to

the extent to which they appear now to be carried; for I am not speaking of minor and less important relaxations, which may be deemed expedient and proper, to get rid of existing anomalies. But I must also mention another point on which I am inclined to expect some satisfaction, with reference to the present situation of affairs; I mean some authentic declaration of opinion, on the part of the Catholic bishops and clergy of Great Britain and Ireland, as to what they will consider as the canonical election of the new Pope, the successor, that is to be, of Pius 7. I think we have a fair right to complain that, during the agitation of this important question, the Roman Catholic clergy have shewn themselves so little disposed to deal candidly and explicitly with us on this subject. Before I agree to go any further, I desire to be distinctly informed whether Buonaparté's nominee is intended to be acknowledged as the true canonical Pope? Whether he is to be entitled to their spiritual allegiance? Whether he is to become the keeper of British and Irish Roman Catholic consciences? In a recent publication to which I have already adverted,* there is the following curious passage: "The archbishop's palace at Paris is repairing for the Pope; and it is even intended to pay him some external honours. But we must not be deceived; all this is only an infernal policy, and to throw dust in the eyes of Austria, Saxony, Ireland, Sicily, and all Catholic nations. The emperor seeing the Pope's health decay daily, would be glad for him to end his days in Paris, to the end that the Anti-pope, whom he certainly will endeavour to make, may appear with the better grace to succeed the immortal Pius 7. But it is very clear the Pope named by Buonaparté will not be the real one, and those persons must be truly blind who allow themselves to be deceived." Very well; this is the opinion of the compiler† of this book, who, no doubt, is a good Catholic. Why then do the Roman Catholics of Great Britain and Ireland hesitate about giving us some satisfaction beforehand, upon a point, which must be admitted to be of considerable importance, and upon which hitherto, as far as I know, they have been as silent and secret as the grave.

Upon the whole matter it appears to me that the evident impracticability of coming to any satisfactory conclusion at present, and the various new circumstances which have arisen, since the Resolution of last session was adopted, are conclusive reasons against going into this committee. No gentleman ought to be considered as pledged in any manner, as to the vote, which he is to give, on the present occasion. Since the dissolution of the last parliament, the situation of affairs has been materially changed, with regard to the condition of the Pope; with regard to the sentiments of the Roman Catholic body; and above all, with regard to the opinions both of the British and Irish Protestants. Under these circumstances, I cannot agree that it is possible to fulfil the words of the Resolution, to reconcile all parties, and to produce the general satisfaction and concord of all classes of his Majesty's subjects. On the contrary, it seems to me, that, by acceding to the motion, we shall do great mischief, as it will rather tend to keep alive, than to allay, religious disputes; I shall therefore give the proposition my decided negative.

Mr. *John Henry Smyth.*—Mr. Speaker, having concurred in the Resolution, which the House came to in the last session, of the last parliament, for going into a committee to consider the state of the laws affecting Roman Catholics, with a view to a satisfactory and conciliating adjustment, I should think myself guilty of a great inconsistency if I did not vote for the present motion. The petitions on the table of the House, against the Roman Catholic claims, are entitled to be treated with respect, and the petition from the University, which I have the honour to represent, is particularly entitled to this respect from me, from the personal knowledge I have of the character of many of its supporters: but, viewing the question as one, not of a local nor partial nature, but as affecting the common interests of the empire, I must exercise my independent judgment, whoever they may be from whom I differ. So far as the petition expressed an anxious desire for the security of our constitution in church and state, so far I cordially concur in it; but so far as it might be conceived to imply an opinion that the continuance of all the restrictions, at present in force against our Roman Catholic fellow subjects, is essential to that security, so far I must take the liberty to differ from it. It is clear, from a review of the his-

* Relation de ce qui se passa à Rome, &c. (*Vide Appendix*).

† The Abbé de la Trappe.

tory of the penal laws, that they were not so much aimed at the religion as at the politics of the Roman Catholics; they cannot be considered as essential parts of our constitution either in church or state; since the laws which first excluded, and now exclude, them from office and parliament, viz. the 25th and 30th Car. 2, were enacted nearly a century and a half after the Reformation, from which our ecclesiasticacl onstitution takes its date; and some years before the Revolution, when our civil constitution was perfected; and since the partial repeal of many of these laws, in the acts of 18th and 31st of the King, shews that the legislature has never seen any thing so sacred and fundamental in their character, as to prevent their removal, when the necessity, which originally directed their enactment, appeared no longer to require their continuance. As the 'res dura et regni novitas,' which was the justification of our ancestors, does not apply to the present times, so neither are the principles, on which these laws are now defended, the same as those on which they were grounded. The principle of toleration, much to the credit of the present times, is now almost universally admitted, in its application to the Catholics; who were however excluded from its benefits by some of the wisest and most liberal of our ancestors in former times; in proof of which Mr. Locke's sentiments and those of bishop Burnet, where he assigns his reasons for voting for the 11th and 12th of Will. 3, are remarkable. The question which has arisen in the debate of this night, whether Roman Catholics could claim the removal of their political disabilities as a right, is a *petitio principii* on both sides, since it depends on the main question, whether the safety of the state requires their continuance. The admission of a small number of Roman Catholics into the Houses of Parliament, does not appear more likely to be prejudicial to our establishments, than the admission of a small number of Presbyterians at present. The doctrine, that a sovereign cannot be faithfully or effectually served, except by persons professing the same religion with himself, is contradicted by history, (in proof of which it might be sufficient to produce the example of Sully the Protestant minister of Henry 4, and of count Witgenstein, the triumphant Catholic general of an heretic master against his Catholic enemies;) and has no foundation in our constitution; because the reasons, for which our constitution declares the crown to be essentially Protestant, do not apply to the ministers of the crown; since the king is the head of the established church, and must therefore profess the established religion; or else this absurdity would follow, that the head might have one faith and the members another; and, because in point of expediency, there is no comparison between the two cases, since the laws provide an easy remedy against the malpractices of a responsible minister, but none against those of an irresponsible sovereign. The apprehension of danger, from the recognition of the Pope's spiritual supremacy by Roman Catholics, does not seem to consist solely in their denial of the King's, which is common to them with the Presbyterians, nor solely in their acknowledgment of a foreign jurisdiction, which is the case also of the Moravians, but arises out of that sort of prejudice, which may be entertained by men of the most upright intentions and the greatest learning, who are more intimately conversant with the controversies and history of remote ages, than with the state of Europe at present, and the events of the last century, during which there is perhaps no instance to be found of this authority of the Pope having seduced a single Catholic from his loyalty and allegiance to his temporal prince; the gratuitous assumption of inadmissible demands, to be made hereafter, by the Catholics, is no argument against granting them what is reasonable at present; that the present question does not affect the doctrine, discipline, nor government, the rights, privileges, and authority of the established church. It is a question solely on the expedience of relieving the Catholics from their political disabilities; and our constitution would be as much violated by admitting them to ecclesiastical privileges, as it now is by excluding them from civil ones.—Finally, the weight of authority is already on this side of the question; I have great gratification in quoting the opinions of the late archdeacon Paley; but the union of the most eminent practical statesmen is complete; and when I consider that Mr. Pitt and Mr. Fox, who disagreed on almost every other subject, and carried the nation along with them in their disagreement, were united on the policy of Catholic concession, I cannot but think it strange, that those who implicitly adopted the opinions of either the one or the other, when they were at vari-

ance, should hesitate in their assent, when the concurrence of the two increased the probability that each was in the right. I am sure none of the friends of Mr. Pitt will deny that it was his opinion that the civil inabilities of the Catholics might be removed without prejudice to the church, and with material benefit to the state; although an obstacle too notorious to render it necessary to do more than allude to it, which continued during the remainder of his life, but is now removed, prevented him from making the attempt to carry that opinion into practical effect. I think that, particularly considering the state of the public mind, and the apprehensions of danger which exist in respectable quarters, it would not be the part of wisdom in the legislature to discard from their deliberation the question of securities; securities, however, not amounting to a verbal renunciation of their religion on the part of those of whom they are required; but such securities as the Roman Catholics may grant and the Protestants ought to be contented with. The Committee, should it be the pleasure of the House to go into one, will be the proper place for this part of the discussion. I thank the House for the indulgence with which they have heard me, and hope that the resolution the House may come to will be such as to conciliate the confidence and affection of our Roman Catholic fellow-subjects without endangering the Protestant constitution in church or state.

Mr. *William Courtenay* addressed the House as follows:—Mr. Speaker, upon an occasion of such expectation as this is, I am induced to offer myself to the notice of the House by one consideration alone. The vote which I shall give, in favour of the right hon. gentleman's motion, would have sufficiently recorded my opinion upon the subject now under discussion, but it would not have recorded the grounds upon which that opinion is founded. The House has listened, with admiration and delight, to the sentiments delivered by distinguished natives of Ireland, who, from their talents, their experience, and their intimate acquaintance with that part of the united kingdom, are entitled to the highest consideration. I could not help wishing to add the opinion of an English member of parliament, founded upon, and confirmed by, connection and acquaintance with Ireland.

I speak of Ireland, Sir, not with the partiality of a native, but with the affection of a friend. I must say, Sir, that the subject appears to me not to be sufficiently considered in a practical view. Those who oppose the present motion, feel alarmed at some danger, which, they expect, would follow upon the concession of any further privileges to our Roman Catholic fellow-subjects; but no man has yet undertaken to point out or put before the House or the country, in any tangible form, the nature of such dangers or the source from which they are to flow. Sir, I am aware that there is a pretty general, though indefinite idea, of the influence maintained by the Catholic clergy over their flocks, and a notion that this influence may, and will, be employed, for purposes dangerous to the Protestant establishment in church and state. But, supposing this influence to exist to the utmost degree, to which the imagination of any person can carry him, I never yet could learn, nor have I ever heard it stated in argument, why the danger from it should increase, if some of the causes of complaint, some of the sources of irritation which now exist among the great mass of the Catholic population in Ireland, were removed. With regard however, to the degree of influence, which does in fact exist, although I will not deny that it is, in some degree, to be found in Ireland, yet I will venture to say that it has been and is upon the decline. I say this, without fear of being contradicted by those who are best acquainted with the internal state of that part of the united kingdom, and, if we consider the grounds, upon which the blind submission of the people, to the dictates of their priests, mainly rested, we shall see that many of the causes which produced this effect, have ceased to operate.

Observe what, a very few years ago, was the situation of the Irish peasant:—born and brought up upon some mountainous or neglected tract, he was frequently uninstructed, even in the language of his Protestant fellow subjects. No opportunities were afforded to him of having those principles instilled into his mind, by which men are taught to become good citizens and loyal subjects of the state under the protection of which they live. He had no friend to whom he could apply for relief under his distresses, for advice as to his conduct, but the priest to whom he was attached by the connection of a common language and by the ties of

a common religion. Certainly, Sir, it was very probable that, under such circumstances, the Catholic peasant of Ireland might become a dangerous instrument in the hands of a designing leader. But this was the case, not because he was Catholic, but because he was neglected and ignorant:—I trust and believe, Sir, that a better order of things is now opening to our view. Every year shews an increasing degree of intelligence among that most important part of the community. Looking at the subject in this point of view, I confess it appears to me that much consolation is to be derived from some of the reports now upon the table of this House.—I allude, Sir, to the reports made by the commissioners for enquiring into the state of public education in Ireland. These reports, Sir, whilst they exhibit a lamentable want of those facilities, which ought to have been afforded to the furtherance of such an object, present, at the same time, a most gratifying picture of the eager desire, which is manifested by the great mass of the population of Ireland, Catholic as well as Protestant, to procure, for their children, the advantages of education. These reports, Sir, relate to various parts of Ireland. They have perhaps made a particular impression upon my mind, because it happens to me to be able to add my testimony to the same effect with respect to another part of that island.

I cannot easily forget, Sir, the moment when, upon one of the wildest tracts of the south western part of the county of Limerick, I was myself surrounded by an immense multitude, composed altogether of individuals professing the Catholic faith, clamouring round me, and urging me to procure for them, from their landlord, as the greatest boon which it was in his power to bestow, the means of giving to their children some advantages of education. Of education, Sir, not in the peculiar tenets and doctrines of that religion against which it is objected that it seeks always to keep its votaries in darkness and ignorance; but their wish was for such a degree of instruction as should enable them to read, with their own eyes, and judge with their own understanding, of those truths, upon which all religion must depend. It is not unimportant, Sir, to consider, by whom the application, to which I have alluded, was supported. The person, Sir, by whom this wish of the people was most earnestly and emphatically pressed upon me, and by whose assistance I was enabled to give effect to it, was the Catholic priest. That minister who, by some, is represented as perpetually engaged in mischievous intrigue, but whom, as far as my experience has gone, I have invariably found most sincerely anxious for, and actively co-operating in, any plan for the improvement of the people and the advantage of his country.

Sir, I may perhaps look at this part of the subject with too sanguine an eye; but I do confess that, to my mind, this readiness, or rather I should say, this eagerness and anxiety of the Catholic population of Ireland to give to the rising generation the advantages of education, does afford a prospect of more efficient and permanent security for the Protestant establishment in church and state, than the most sanguine legislator could hope to provide by any code of restrictive regulations.

Sir, it must not be supposed, because I have confined myself to that which may perhaps in argument be termed a narrow view of the question, that I do not feel the importance of the many topics which, in a more general view of the subject, have been introduced into this discussion. Out of respect to the House, I have purposely confined myself to that view of the subject to which my attention has been particularly drawn; but which I consider only as one, among many views which lead to the same conclusion. Suffice it to say that, in every sentiment expressed in the speech of the right hon. and learned gentleman (Mr. Plunkett) I most sincerely concur, although I will not run the risk of weakening his arguments by repeating them. Thinking therefore, Sir, after the most attentive consideration of all which has been argued upon this subject, that very much may be safely done for the Catholics, and being confirmed in that opinion, by all the observation which I have been enabled to make upon the situation, the character, and the conduct of those, upon whose character and conduct the safety or danger of the measure must depend, I shall give my vote for the motion of the right hon. gentleman, with a perfect conviction, that, in so doing, I best consult the welfare of my country, and the well understood interests of the Protestant church.

On the motion of lord Castlereagh, the House, at half past two o'clock in the morning, adjourned.

HOUSE OF LORDS.

Friday, February 26.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] Petitions against the Catholic Claims were presented by lord St. Helen's from Stamford, by the bishop of Chester, from the inhabitants of Worley, in Lancashire, and from the Protestants of the county of Cavan.—

Marquis *Wellesley* presented a petition from certain inhabitants of Chichester and its neighbourhood, in favour of the Catholic claims. His lordship stated, that when notice was issued that this petition was lying for signatures, a hand-bill was circulated, part of which he read, warning persons against signing it; and for the purpose, as alleged, of stating the real opinions of the Catholics, quoting passages from a publication entitled "The Third Part of the Statement of Penal Laws," which it was asserted, had been published by the authority of the Catholic Board. This pretended Third Part of the Statement of Penal Laws, it was notorious in Ireland, was a fabrication, and it was there considered as a joke. It had, however, been observed, that what was considered a joke in Ireland, was sometimes looked upon in a very serious light in this country; and so it was with this fabrication, which had been industriously circulated, as the real opinions of the Catholics, in Sussex, in many parts of Yorkshire and Lancashire, and in other quarters. It had deterred many persons at Chichester from signing the petition he was then presenting, and was calculated to produce the worst effect, in exciting violence, by the grossest and most mischievous misrepresentation. He therefore trusted, that great caution would be used, in guarding against violence on either side, in order that a calm and dispassionate discussion might be had upon this momentous and vitally important question.

HOUSE OF COMMONS.

Friday, February 26.

DISTTURBANCE IN THE GALLERY.] Soon after the Speaker took the Chair, a great pressure took place at the doors of the Strangers' Gallery, by persons endeavouring to force their way in, although at the time the gallery was filled to an excess, two or three persons were forcing their way into seats, *vi et armis*, and a great resistance and noise ensued, upon which the Speaker directed the Serjeant at Arms immediately to take the rioters into custody; and an hon. member pointing to a person standing about the centre of the gallery, said he had observed that person most active in making the disturbance and forcing his way.

Another hon. member (Mr. Robert Thornton) said, the person alluded to, as he observed, was making his way out, but that he perceived another person (pointing him out) strike that person with great violence. The Speaker observed, that the House would not descend to discriminate individuals, but, if the disturbance continued, he hoped some hon. member would not hesitate to assert the dignity of the House by moving the Standing Order, that the gallery should be cleared of strangers, and then directed the Serjeant at Arms to take the rioter into custody and bring him before the House.

The disturbance immediately ceased, and order was restored.

PEMBROKESHIRE ELECTION—MOTION RESPECTING EXCHANGING LISTS.] Mr. *Barham* moved, That the Resolution of the House, of the 30th day of November last, "That in all cases of controverted elections for counties in England and Wales, the petitioners do by themselves or by their agents, within a convenient time to be appointed by the House, deliver to the sitting members or their agents, lists of the persons intended by the petitioners to be objected to, who voted for the sitting members; giving in the said lists, the several heads of objection, and distinguishing the same against the names of the voters excepted to; and that the sitting members do by themselves or by their agents, within the same time, deliver the like lists on their part to the petitioners or their agents," might be read; and the same being read: the hon. gentleman next moved, "That the hon. John Frederick Campbell, and the several freeholders, who have petitioned this House, complaining of the undue election and return of sir John Owen, bart. for the county of Pembroke, do, on or before Monday next, deliver to the said sir John Owen, or his agent or agents, lists of the persons intended by the petitioners to be objected to who voted for the said sir John Owen, giving in the said lists the several heads of objection, and distinguishing the same against the names of the voters excepted to; and that the said sir John

Owen do, by himself or his agents, within the same time, deliver the like lists on his part to the said several petitioners, or to their agent or agents."

Sir *J. Owen* objected in strong terms, to the hardships that would be imposed upon him, were the House to grant the motion. The standing order required that an application of this sort should be made by the petitioner within a convenient time. Now the motion was six weeks after the petition against his return was presented, and only three days before the time fixed for trying the election. It would be impossible for him to send down 200 miles into Pembrokeshire, to procure such lists in time to be presented before the Committee.

Mr. *Barham* contended, that it was not the fault of the petitioner, that delay had taken place: and, therefore he should not be precluded of availing himself from those standing regulations of the House, which were necessary to enable him to support his petition. He had no intention whatever of taking the hon. baronet by surprise; and, as a proof of it, his hon. friend the petitioner, would have no objection to postpone the consideration of the petition, that more time might be given for the mutual exchange of the lists in question.

Sir *J. Owen* replied, that farther delay must necessarily be injurious to himself. The time for trying the petition had been fixed by the House, and of course, he had made all his arrangements to meet it.

Mr. *Wynn* was of opinion that it would be highly improper to depart from the explicit resolution of an act of parliament.

The *Speaker* observed, that it might perhaps be proper to put the House in possession of a decision of the last parliament, which seemed to bear strongly on the present question. It was a regulation of the House, that the sitting member and the petitioner should deliver in mutual lists of contested votes, within a convenient time previous to trying the petition: and of that convenient time the House were to be judges. In the case of the Sussex election petition, decided in the last parliament, he recollected that the sitting member abandoned the defence of his seat, which was taken up by the freeholders in his interest. The trying of the petition was to take place on the 22nd of March, and on the 16th March an application was made by the petitioner, for an exchange of lists: but the House decided, that the interval between the 16th and 22d was not that convenient time for preparing the lists which the regulation contemplated. On this ground they refused the application.

Lord *Castlereagh* said, the complainant knowing the nature of the complaint which he proposed to bring, had the advantage in the readiness of making out his list over the person to whom he was opposing himself, therefore he conceived that reasonable time should be given to make out the lists of voters, especially those who lived so very remote as Pembrokeshire. Three days notice was a period infinitely too short to procure the necessary information, and the motion was, therefore, improper.

Sir *J. Newport* contended that in the case of Irish contested elections, there was often a mutual exchange of lists, even after the Committee was struck.

Mr. *Lushington* thought that anomaly easily accounted for, because the disputed votes were investigated by a commission, sent over to Ireland for the express purpose.

Lord *Kensington* urged, that justice would not be done, unless this exchange of lists took place. In the course of the election there had been a description of votes exhibited, than which nothing could be worse.

The *Speaker* said, he must here beg to interrupt the noble lord, who must of course be aware, that such remarks ought to be abstained from, as tending to prejudice the minds of gentlemen, who might eventually sit in the Committee, on these very votes.

After some further discussion, a division took place, and Mr. Barham's motion was negatived by 117 against 79.

WEYMOUTH AND MELCOMBE REGIS ELECTION.] Mr. Alderman Atkins, from the Select Committee appointed to try and determine the merits of the Petition complaining of an undue election and return for the town and borough of Weymouth and Melcombe Regis, informed the House that the Committee have determined, 1. "That sir John Murray, bart. was duly elected; and, that the right hon. Thomas Wallace, John Broadhurst, esq. Henry Trail, esq. Richard Augustus Tucker Steward, esq. and William Williams, were not duly elected for the said borough; and that the last election for the said borough, so far as relates to the

election of the said right hon. Thomas Wallace, John Broadhurst, and Henry Trail, esquires, is void."

Mr. Alderman *Atkins* also acquainted the House, that the said Select Committee had come to the following Resolutions:

1. "That it appears to this Committee, that at the last election for the town and borough of Weymouth and Melcombe Regis, the right hon. Thomas Wallace, John Broadhurst and Henry Trail, esqrs. did by treating act in violation of the statute of the 7th of William 3, cap. 4, whereby they are incapacitated to serve in parliament upon such election.

2. "That the right of voting in the said town and borough appears to be, among others, in persons seised of freeholds within the said borough; that gross abuses have of late been practised within the said borough by persons claiming and exercising a right to vote upon nominal reserved rents, arising out of freeholds split and divided into the most minute fractional parts, under wills either real or fictitious; and that it further appears to the Committee, that such evils can only be effectually remedied by the interposition of the legislature."

Mr. Alderman Atkins then moved that the whole of the Minutes of the Evidence be laid before the House.

The *Speaker* begged to suggest, that for the sake of convenience and dispatch, only such part of the minutes as referred to this particular topic, should be selected from the mass of evidence; and that the selection might be made by the clerk of the committee, under the direction of the Chairman, and any others of its late members. If any new regulation were adopted by the House, with regard to the elective franchise of the borough, it would be better it should take place before a new writ was issued.

The motion was then modified according to the Speaker's suggestion, as follows: "That so much of the Minutes of the Evidence taken before the said committee, as relates to the second of the said Resolutions, be laid before this House."

Mr. *Ponsonby* expressed his conviction, that the preferable way would be to adjourn the discussion till Monday, as some gentlemen might probably think it necessary that the whole of the evidence should be produced.

Mr. Alderman *Atkins* thought there was part of the evidence which there was no occasion to produce. He begged also to state, that the practice of splitting votes had been carried to such a preposterous extent, that a fractional part so extremely low as the 1400th part of a 68th of a 5th of a two-and-sixpenny rate was deemed sufficient to entitle to a vote.

Mr. *Wynn* contended, that as the committee was now no more, the attendance of any of its members for the selection of the evidence was quite optional. In fairness the whole of the evidence should be laid before the House.

Mr. Rose and Mr. Bathurst spoke against the delay, which would ensue from copying and producing a great deal of irrelevant evidence.

Mr. *A. Baring* considered it as a suspicious circumstance, that so much anxiety should be shewn that part of the evidence might not be produced. It would be a most irregular proceeding to permit the minutes of evidence to be garbled by a clerk; and even when the selection was made, it would give rise to a second discussion, whether the evidence had been garbled or not.

Mr. *Robinson* observed, that it was the suggestion of the hon. chairman of the committee, that only part of the evidence should be produced. Indeed, if the whole of the minutes were laid on the table, the House would be trying anew the case as to the sitting members, which had already been decided by the committee. This would be a complete subversion of the Grenville Act.

Mr. *Holme Sumner* conceived it would be extremely improper, to leave the business of selection to the clerk of the committee. He should propose, therefore, that the committee be re-appointed, for the purpose of examining and deciding upon such parts of the evidence as they might think relevant to the matter on which they recommended the legislative interference of the House.

Mr. *Cochrane Johnstone* asked, whether the minutes had not been copied out fair, and signed by the Chairman; and said it was most important that the whole of the minutes should be laid on the table, as he understood that very improper interference had been exercised by an illustrious personage.

Mr. *Croker* said, when the hon. member should produce to the House any grounds for his assertion, it might be the subject of a legislative enactment; but the charge upon a member of the Upper House, for improper interference in the election of

members of that House, shewed the danger of mixing the different motions.

Mr. *Wrottesley* said, that the backwardness of gentlemen on the opposite side, to allow the production of the whole minutes, proved there was something that the House ought to be put in possession of: that the interference was probably so connected with the question, presented to their consideration, as not to be separated.

After a long conversation,

The *Speaker* suggested, that whatever the House might do, they must have the papers on the table of the House. If the whole were to be inspected, the whole must be on the table; if a part were only to be inspected, that part must be on the table.

After some further conversation,

The *Speaker* suggested there were two modes of meeting the apparent wishes of the House, to enable the committee to support their Report by evidence: either to get the entire of the minutes, and to deliver them immediately to the committee, to enable them to amend their report, or to refer the Report back to the committee, which should be constituted a committee for that purpose, with the ordinary powers of sending for persons, papers, and records.

After some farther discussion it was ordered, on a division, that the Report be referred back to the Committee, with powers to send for persons, papers, and records.

The Princess of Wales.] *Mr. Cochrane Johnstone* said, that understanding his Majesty's ministers were invited to participate in a turtle feast on Monday, as he was by no means desirous of disturbing their harmony, he begged leave to postpone his motion, which stood for that day, to Thursday.

Lord *Castlereagh* observed, that nothing of the description to which the hon. gentleman had alluded could operate as an inducement with his Majesty's ministers to neglect their duty; and if the hon. gentleman was desirous of bringing forward his motion on Monday, they were most ready to meet him. The hon. gentleman was best able to appreciate the importance of the subject, and would act as his own judgment dictated.

Mr. *Cochrane Johnstone* had no objection to bring forward the motion on Monday, but from feelings of courtesy, he was desirous of yielding to the accommodation of the noble lord and his friends.

The *Solicitor General* (Sir W. Garrow), said, that the postponement of the discussion would be a matter of accommodation on both sides, as the Army Estimates and other orders would be before the House, which were likely to occupy their attention for a considerable time.

Mr. *Whitbread* remarked, that the hon. and learned gentleman had taken up this matter in much too grave a manner. It was well known that his Majesty's ministers were engaged to a dinner on Monday, and that being the fact, it was a proceeding of no novelty that the House should feel disposed to wave any claims on their attention, on such an occasion.

The *Solicitor General* was prepared to admit that the courtesy intended was a course of no novelty; but when it went forth to the public, that his Majesty's ministers were neglecting their public duties to attend a turtle feast, he apprehended it became expedient that the circumstances should be put on a right footing.

Mr. *Whitbread* said, that the hon. and learned gentleman had made this a magnificent trifle, and begged leave to congratulate his Majesty's ministers on having obtained so able an advocate.

Mr. *Bathurst* declared that his Majesty's ministers were engaged to dine with the Russia Company on Monday; but as far as he was concerned, he begged to state, that he had made no engagement of the sort. And he felt it his duty to decline the invitation upon the sole ground of business in that House requiring his attention.

Mr. *Cochrane Johnstone* finally postponed his motion to Thursday.

Great Grimsby Election.] The Report of the Committee appointed to inquire into the merits of the Petition of the witnesses, complaining of the hardships they had sustained, in consequence of having been brought up to town, in pursuance of the order of the House, to give evidence upon the Great Grimsby Election, and having been left destitute of the means of returning to their homes, was brought up by Mr. Wynn. In substance it stated, that the committee had made the necessary inquiries, and found the allegations of the petitioners to be perfectly correct; but that after due consideration it appeared to the committee, that no public relief could be given to the petitioners, and that no alternative remained but for them to be passed to their

parishes as paupers, by the order of some magistrate. The Report having been ordered to lie on the table,

Mr. *Wynn* commented on the distressing situation in which these unfortunate individuals had been placed, and suggested the expediency of some permanent measure being adopted, to prevent the recurrence of similar circumstances in future. This he thought might be effected by making individuals who presented petitions against the returns of members, and who entered into recognizances duly to prosecute the allegations in such petitions, also to enter into a recognizance to provide for the maintenance of the witnesses summoned at their instance. At present, he thought it behoved the House to provide for the persons who had obeyed the writ of the Speaker; and cited the case of some witnesses summoned on the Shaftesbury election committee, at a former period, as a precedent for such a proceeding. In conclusion, he moved—"That an humble Address should be presented to his royal highness the Prince Regent, praying, that he would be graciously pleased to give directions for the payment of a reasonable compensation to the individuals summoned to attend the Great Grimsby Election Committee, and assuring his Royal Highness that the House would make good the same."

The *Chancellor of the Exchequer* admitted the necessity of some such legislative provision as had been alluded to by the hon. gentleman, and commiserating, as he did, the situation of the unfortunate persons whose case had come under the consideration of the House, he should second the motion. The question was then put and carried.

Mr. Grattan's Motion for a Committee on the Claims of the Roman Catholics—Adjourned Debate.] Lord Castlereagh moved, that the order of the day for resuming the Debate on the motion made yesterday, "That this House will resolve itself into a Committee of the whole House, to take into its most serious consideration the state of the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the united kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects," be now read; and the same being read:

Sir *John Cox Hippisley* rose and said:

Mr. Speaker; consistently with those feelings, which I have, at all times, uniformly professed on this important subject, it is impossible for me to give a silent vote. The principles and sentiments which I entertain are so well known to the House, that it will be unnecessary for me to occupy much of your time on the present occasion. I have taken every opportunity of giving currency to my opinions, and to the uncontroverted facts upon which they are founded.

[The hon. baronet then proceeded to take a review of certain publications which had recently appeared in a morning paper, and particularly some passages copied from what were termed, the 'Blue Books,' which, in a former debate, had been quoted by a hon. member (Mr. Yorke), who, he said, had been led to form a very erroneous opinion in reference to that part of the subject on which they treated.]

The fact is, that the names of 1,400 Catholics have not been withdrawn from the protestation of 1789, as has been averred in the article in the news-paper, nor have the Catholics been urged to withdraw their names by their apostolic vicars. The protestation is lodged in the British Museum, and not more than four or five names have been withdrawn, and only one of the apostolic vicars. It is true an objection was raised by the apostolic vicars against the oath, proposed in the Bill, drawn up subsequent to the original protestation; which oath, indeed, had passed with the Bill, through the House of Commons. The apostolic vicars unquestionably did caution the Catholics to oppose it, not because it was opposed to the renunciation of any of the obnoxious tenets, which were disavowed in the protestation, but because it, constructively, in their opinions trenched upon what theologians call, the power of the Keys;—and in this view, also, it was regarded by the late bishop Horsley, when it came into the House of Lords, the bishop declaring that he could not take such an oath himself, and that he should think very ill of any clergyman of his diocese who had taken such an oath. The result was, that the oath was corrected in the House of Lords, and sent down to the Commons, and the oath, so corrected, now stands in the act of 1791, and was recommended by all the apostolic vicars, to be taken by the Catholics of their districts.

From this statement the House will see how erroneous a view the right hon. gentleman (Mr. Yorke) has taken of this proceeding, and consequently, how much misrepresented the whole transaction has been in the public prints, and how likely to create the most injurious impressions.

Among many other striking facts, we cannot but look to the introduction of the Irish militia, consisting of near 10,000 men, who have been brought to this country, and possess so much the confidence of his Majesty's ministers, that they are stationed in the most vital parts of the empire,—at Portsmouth, at Plymouth, at Chatham, Dover, Harwich, &c.—constituting a guard over 30 or 40,000 prisoners of war of their own religion. This fact may enable the country, more adequately, to appreciate the value of our Roman Catholic fellow-subjects, as contributing to the safety of the empire. Nor can the resources of Ireland be overlooked in another important view, when it is in proof that her exportations, in provisions alone, amounted, in the year 1811, to a sum falling very little short of eight millions sterling, a great part of which must have administered to the exigences of our army and navy.

These facts should live in our memory, and serve to stimulate our endeavours to secure all their advantages, by measures of conciliation. This great object I have never lost sight of, though the means by which I have endeavoured to promote it, have often been misconstrued. [The hon. baronet here entered into a detail of the proceedings, connected with the subject of the Catholic claims, from the period of the acts of 1791 and 1793. He adverted to the causes of the failure, but, as a proof that Mr. Pitt had never changed his opinions, in favour of the measure, he quoted a passage of considerable length, from Mr. Pitt's speech, in the debate of 1805 on Mr. Fox's motion, and concluded with this sentence, 'Such were my sentiments formerly, such 'are they now, and if by a wish, I could 'carry such a measure into effect, I am 'ready to confess that I see no rational 'objection.' He afterwards went into a detail of the securities, which he had uniformly considered as necessary guards of the church and state, as by law established, and which, he maintained, were not fanciful expedients, but such as every government in Europe had adopted, of whatever religious communion.]

I never was an advocate for an actual nomination, exercised by the crown, to the Roman Catholic prelacies, but I have contended that the negative of the crown, upon all such appointments, ought to be enforced. I may instance what occurred upon a former occasion, with respect to Dr. Hussey, the titular bishop of Waterford, whose conduct at Madrid, in 1780, was such as ought to have excluded him from being nominated to a Catholic see in Ireland. I also, on a former occasion, instanced the case of Dr. Bellew, the titular bishop of Killala, merely to shew that cases might arise where no rational objection could be taken to the character of the individual, but where, nevertheless, a combination of circumstances might produce cause of objection, at a particular crisis. I have long known Dr. Bellew, and believe that no man reflects more credit upon his spiritual charge; yet, if his nomination to it had taken place in 1798, instead of many years anterior, he would have found a brother unfortunately engaged in the rebellion, and marching, with a hostile force, against the capital of the very see, to which he had been himself nominated.

Another measure of regulation I have also, repeatedly, pressed upon the consideration of the House—a measure which has, also, been sanctioned by the wisdom and policy of every other state—namely, a regulated controul upon the intermission of all Papal rescripts. In other countries, no such rescripts are allowed to be current, without the previous sanction of the state. We have, indeed, an act of the 13th of Eliz. standing as a barrier against such intromissions; but it is impracticable from its sanguinary provisions, and consequently entirely evaded.

To regulate all these objects, so essential, in my opinion, to the security of the Catholic, as well as the Protestant subject, it is absolutely necessary to go into a select committee. [Sir J. Hippisley then went into further details, of considerable length, concerning the canons of various councils,—particularly the fourth Lateran, and those of Constance and Trent,—and maintained that the regulations of discipline, enacted by those and all other councils, had no practical obligation, unless canonically received and sanctioned by the act of the existing government in each state.]

I shall vote, most cheerfully, for the motion, as a preliminary step to the constitution of such a committee as appears

to me, to be alone competent to enter upon an adequate examination of these important points, and which, if not fully understood, no act of legislation can be adequately framed; and, whether or not the House shall grant the prayer of the petition, I contend that it will be equally necessary to constitute such a committee of investigation, for it is impossible that the laws, affecting the Roman Catholics, can be permitted to remain in their present state. The acts of 1791 and 1793, are so replete with anomalies and errors, that a revision of them is now become a measure of necessity, rather than of choice.

Mr. *Yorke* said, that he had been misrepresented or misunderstood, by the hon. baronet. He had said, only, that in consequence of the protestation, a difference took place between the vicars apostolic and the Committee, and that the latter were obliged to submit. He had said, also, that three of the vicars apostolic had withdrawn their names from the protestation in consequence of the oath, the form of which had been introduced into it.

General *Mathew* said, it appeared to him, after the very able speech of his hon. and learned countryman and friend (Mr. Plunket,) yesterday, that there was little for him or any one else to add on the subject. That speech, above all he had ever heard or read, afforded the most satisfactory and undeniable historical information on the subject, which probably had ever been given before in this country. He did not believe that ever a speech had been made in that House which so ably proved the right of the Catholics of Ireland to full emancipation. The hon. general, however, differed from his hon. and learned friend in some things. His hon. and learned friend was an advocate for Catholic emancipation, and in that he agreed with him; but he was an advocate for it, granting full and ample securities to the Protestant religion, and in that the hon. general said he differed from his hon. and learned friend. He would ask his hon. and learned friend if he had ever made out, or been able to make out from others, what those securities should be. He himself had often put the question in Ireland, and in England, and could never yet hear in what those securities were to consist. Who was to draw the bond? Who were to sign it? And on whom were the penalties arising from a failure in performance of the conditions of it to fall? He did not see by whom such securities could be given; and he was certain, they ought not to be asked. Nothing, he thought, should be asked of any set of men beyond their oaths. To a man the Catholics of Ireland were willing to take the Oath of Allegiance. That was a powerful oath, and, if they broke it, they would break any oath the legislature could put to them. His hon. and learned friend then stated what he thought should be the provisions for the Catholic clergy. This subject had been discussed again and again, and the Catholic bishops had determined that their clergy should take no payments but from their own flocks. He was of opinion they ought not to be paid by the public, nor should they if they wished it. Far be it from him to say how bishoprics were acquired; all he knew was, that the influence arising from the right to confer them was great, and, if in addition to the English and Irish bishoprics, the Catholic were placed at the back of them, government would soon become despotic. If the Catholics were to concede the right of Veto, he hoped the denomination of Veto-men would be applied to them; they would deserve it.

He felt it to be his duty to take his humble share in the present discussion. His duty naturally imposed it on him, feeling as he did, that the welfare of his native country required the removal of all religious disabilities and distinctions; by which every man might be at liberty to make his peace with the Almighty in his own way, and be taught to do to others as he would wish others to do to him. On a system of conciliation, and on a speedy concession of the points in dispute, he had long been convinced depended the peace and happiness, not of Ireland, but of England also, and the security and integrity of the British empire. The hon. member for Corfe Castle (Mr. Bankes) had told the House that concession to the Catholics would endanger the established religion and the established government. Oh, matchless ignorance! oh, matchless intolerance! nine tenths of the property, as well as of the numerical force and ability of Ireland were favourable to the Catholic claims. All parties, indeed, were favourable to Catholic emancipation except the government, which was now viewed in Ireland with that contempt which it deserved. Its acts exhibited one continued scene of bigotry and intolerance from one year's end to the other; and the people of Ireland had now begun to see the folly and criminality of

excluding from their natural right five millions of their fellow-citizens, for the sake of exalting a few who were already too highly and unduly exalted, at the expence of the equally undue degradation of the great body of the people. The greatest part of the petitions which had been presented against the Catholic claims had been carried through in a clandestine manner, in a manner very different indeed from that in which the petitions in favour of the Catholics had been agreed to; particularly the petition which he himself had presented from Tipperary.

He contended, that if it were only for the late important victories gained by our armies, principally composed of Irish Catholics, they were entitled to the community of rights for which they now applied. Ireland at present furnished a greater proportion towards the defence of the empire than England did, and yet England continued to keep her best defenders in a state of slavery, and ruled over the fertile and beautiful country of Ireland with a rod of iron. In proportion as a government required to use the bayonet to controul the people, in the same proportion must there be something bad in the system. If the Catholics were cordially united to this country, by feeling a community of interest in her welfare, the country would indeed, be rendered powerful, and we should no longer need to have recourse to foreign defenders, contrary to the enactments in that great palladium of our liberties, Magna Charta. Neither should we any longer be forced to continue that disgraceful system of forcing men on board our fleets against their will, never probably to return. He would tell the House how to get rid of the impress service at once. Govern Ireland by conciliation and affection. Begin by forming registers of births, by the foundation of parish schools, and the formation of depots for male children, one of whom would be willingly granted out of each family, and in this way, and by the bestowing of moderate bounties, twice as many men would in a few years be produced, as would be required for our navy, and for our army also, without the assistance of Germans, Prussians, or Hanoverians. Not one man in twenty of those who were formerly procured for the army in Ireland could now be persuaded to enlist, and the reason was obvious. They were now beginning to be more enlightened, and of course felt more heavily their degraded state.

A great deal had been said by an hon. gentleman on the floor (Mr. Bankes), as to the intemperance of the Catholic board. This, for the sake of argument, he should admit; and also, if the hon. gentleman chose it, that those same persons were likely to become factious demagogues. And supposing that to be so, what, he would ask, was the best remedy to apply? Why, to take from them the tools by which alone they could do mischief! make every one of those five millions of persons happy and they would be content: let them continue aggrieved and they would continue discontented. He denied, however, that the hon. gentleman was correct in his statement as to the conduct of the Catholic board. They might have been violent, but they had never been unconstitutional. Of this he could give the best possible proof. The Attorney-General and the minions of the Castle had been constantly watching over them like vultures, ready to pounce on them, had the smallest pretence for so doing presented itself, but they could find none. In his opinion they had not gone far enough. Had they not petitioned that House year after year, in the most respectful terms; constantly asking as a boon what they might have demanded as a right? The hon. gentleman seemed happy in finding that there were gentlemen in that House ready to go the length of asserting the right of the Catholics to what they now claimed. He was one of those who cheered the hon. gentleman on that occasion, and he should now prove the existence of such right; in the first place, stating that he had recommended it to the Catholics of the county of Tipperary to ask what they applied for as a right, but that he could only get them to ask it as a boon.

To prove that the Catholics had a right to what they now asked, he begged to remind gentlemen that king James did not abdicate his Irish throne at the same time that he abdicated his English throne. After the battle of the Boyne, the Irish army retired to Limerick, where the treaty of Limerick was concluded between them and lord Athlone, on the part of king William, in the year 1691, by whom it was afterwards ratified. By this treaty it was stipulated that the Catholics and the people of Ireland should possess every advantage and privilege ever possessed by any of his Majesty's loyal subjects; and, shameful to tell, that sacred treaty was

broken through by an act passed by the English parliament in the 4th year of the same king's reign, an act which at this moment remained a record of most disgraceful perjury, to which, till it was removed, the government of this country must continue to be parties. This was his opinion as to the rights of the Catholics, an opinion which must remain unchanged, as he had now little expectation of ever learning the English language better than he already did.

Sir *Eyre Coote* said, he would not trespass on the time of the House by dilating on a question in its more general bearings, so much better understood by many persons in the House than he pretended to understand it; but in the capacity of a military man, he could not forbear offering a few observations on it, as it was connected with military affairs. He could not conceive from any thing with which his experience had made him acquainted, that there was any danger in admitting the Catholics to stations of rank and command in the army; their loyalty was known; the proofs of it were innumerable: and from them he would select a few prominent features sufficient in themselves to do away any jealousy that might be felt with respect to their views and wishes. He recollected, when in the year 1793, the expedition sailed from Ireland for the West Indies, which was commanded by that skilful and gallant officer sir Charles Grey, than whom no man ever deserved better of his country—a man, who was equally eminent in the field and the cabinet—that officer had uniformly praised the conduct of the Irish troops, which formed a considerable part of his force, and had attributed principally to their valour the important conquests he had effected; now two-thirds of these Irish soldiers were Catholics. A number of Irish Catholics also served in Egypt under generals sir Ralph Abercromby and lord Hutchinson, and most materially contributed to the important successes which had been gained there; they had fought in numbers and with their wonted gallantry in Holland, and were now fighting in the peninsula. When he looked, then, at the devoted zeal with which these people were ever ready to shed their blood in defence of their country, or for the augmentation of her glory, he did not feel himself justified in voting against a Committee which was to inquire whether that country could with safety confer on them a reward they had toiled so arduously to obtain. He wished them to obtain every privilege which could with safety be granted them, and nothing more; and he wished the conduct of the legislature and the government towards them to be on all occasions such as would, by liberality on the one part, beget confidence on the other.

Sir *Nicholas Colthurst*, in a maiden speech, said:—Mr. Speaker, I trust I shall be excused from trespassing upon the patience of the House, in shortly stating the reasons which induce me to give my vote in favour of going into a committee. Every one must, I think, be aware that the question, now offered to be submitted to your consideration, is one most deeply interesting to the welfare, most important to the interests, of Ireland, and consequently to those of the empire. In this point, at least, all parties are agreed; all are aware of its importance, though they differ as to its merits. As such, Sir, it justly challenges every consideration, every attention, which the legislature can bestow upon it; that, whatever may be the ultimate decision, whatever the result, it may be one, which has been matured by deliberation, and corrected by inquiry. It was with this view of the subject, with this impression of its importance, and from a laudable anxiety to fulfil the first duty of legislators, by an ample investigation of the complaints of their petitioners, that the late House of Commons entered into that Resolution which is recorded on their Journals. With this view, they bound themselves by a pledge which, had not their existence been terminated by the election of the present parliament, they would now have been called upon to redeem. That such a pledge is binding upon their successors, certainly cannot be asserted; but I maintain, that, while the circumstances of the case remain the same, while the same importance attaches itself to the question, the present House are equally bound to entertain and deliberate upon, the measure. I trust that they will do so, that they will follow the precedent set before them by their predecessors, and show an anxious disposition at least, to promote that final and conciliatory adjustment, which every well-wisher to his country, every one who regards the unanimity of his fellow subjects as the best safeguard of the constitution, must look forward to, with anxiety and satisfaction. I think it is the bounden duty of parliament to shew

that disposition, to bring the question before them in as full and fair a shape as possible; and not, by refusing an inquiry, to prejudge what, strictly speaking, they have not heard. Without this, the true sense of parliament never can be ascertained, its opinion upon each particular point and feature of the question will remain undeclared, and one sweeping vote will involve a variety of questions, all requiring, in my opinion, separate investigation and decision. I do not think that certain resolutions of the Catholics out of doors, ought to have any influence on our deliberations. We are not to treat with the Catholics as with a body of legislators, but to legislate for them; to see what relief can be granted, and to be able to say to them, "We have examined your grievances, so and so we have decided," and the decision will carry with it that authority which it will justly deserve.

It is said, Sir, that by consenting to go into a committee, you are raising hopes, which may not be realized, and that, by considering, you are expected to concede. Even allowing this objection, surely it is of far greater consequence, that no impression should be suffered to remain upon the breasts of any one of your petitioners, that their case was neglected by you, and that no imputation should be cast upon the legislature, of unwillingness to listen even to claims strongly urged, and strongly advocated. But surely the question of deliberation and decision are perfectly distinct, and therefore the objection is altogether invalid. I, for one, totally disconnect them, and beg fully to be understood, as giving my vote solely in favour of the present motion, unconnected with any other, reserving myself, as to what opinion I may entertain, or what part I may feel it my duty to take, upon any measure hereafter to be proposed. By my present vote, I am giving no opinion upon the question, am lending myself to no particular line of conduct; but merely advocate that enquiry which justice, as well as policy, demands; which, if granted, cannot be followed by any ill consequences, but if refused, must produce regret and disatisfaction.

Mr. *Richard Hart Davis*, (member for Bristol).—Sir; it is with extreme reluctance I rise to address the House at any time, but more especially on a subject which has called forth, so often, the ability of so many gentlemen, infinitely more able than myself to discuss this important question. But feeling that this is a question of vital interest, and the citizens of Bristol having expressed an almost unanimous opinion, by petitioning the House against the measure, I feel that I should be acting an unmanly part, and that I should neither do justice to them nor to myself, were I to content myself with giving a silent vote on this occasion.

Sir; I cannot consent to going into the proposed committee, until adequate safeguards for the security of the constitution and the established religion shall be, not only proposed, but accurately defined; and until there is nearly a moral certainty that they will be accepted by the Roman Catholics: for if the House should come out of this committee, without a final adjustment with the Catholics, instead of softening the existing differences, it will only serve to embitter and aggravate them.

There is another reason, Sir, why I object to the motion. I have perceived an unyielding and hostile, rather than a conciliating spirit both in the speeches and writings of the Roman Catholics, and there is too great reason to apprehend that, if they were to be appeased by concession to their claims, a vast majority of the Protestants, both in England and Ireland, would be rendered dissatisfied if not disaffected. Whatever of good this concession might have, in itself, abstractedly, which is only allowed for the sake of argument, I object to it now, because this is not the fit moment for attempting to carry it into effect, with any rational prospect of success. A spirit of alarm has spread amongst the Protestants in every quarter of the empire, as appears from the numerous petitions on the table of the House, whilst, I lament to add, that the intemperate conduct of the Roman Catholics has not tended to allay those just jealousies and fears.

It has long been evident to me, that the great object of the Roman Catholics is not toleration, but political power. True policy will not allow political power to be conceded to them. Hitherto every fresh concession has engendered a new demand. Toleration, which has been well described not only as the ornament of the Protestant faith, but its security, they already possess; where is it more liberally enjoyed than in this happy and enlightened country? I should sincerely rejoice if the boundaries of toleration could be enlarged with safety to the state; but let us not, in

such an attempt, put to the hazard the glorious fabric of our Protestant constitution, such as it has been handed down to us by our forefathers. These being my sentiments, I cannot give my vote for going into the proposed committee.

Sir *John Stewart,* (member for the county of Tyrone) said :—Mr. Speaker; in taking this great and most interesting subject into our consideration, I trust the House will be divested of all feelings but those, which sound justice and policy shall dictate, and that it will particularly be jealous of all those local and partial sensations, which deep rooted prejudices may have given strength to; or the recollections of former sufferings may call up, to baffle the cool deliberation, now so necessary for us to cultivate and encourage. But, while we endeavour to overcome our own feelings, we must turn our attention to the feelings of those who have petitioned this House; that, by understanding the extent of the danger apprehended on the one side, and the object required on the other, this House, in its sober judgment, may be better able to supply some remedy, which shall cool the heart-burnings of a disturbed and divided people, and, at last, lay the fever, which is weakening and destroying their civil constitution.

To the most able and eloquent speech of my right hon. friend (Mr. Plunket) I most sincerely give its well-earned praise. He is the first who has pointed out to us any certain line of conduct which might, in his sanguine mind, satisfy both parties; most sincerely do I hope that the line suggested by his great and comprehensive mind could have the effect he looks for. I subscribe to his reasoning, and will support his Bill, if he will bring it forward in the shape he proposes, with those sure and safe grounds, which, in my opinion, will satisfy the Protestant feelings, and guard against foreign influence in that church, which has with good cause, excited jealousy in the breast of those who have petitioned this House.

I, Sir, have presented a Petition from a great, a populous, and a wealthy people, inhabiting one of the most respectable counties in Ireland. From the language of that Petition I take my instruction. It shall govern my conduct this night. Much, however, do I fear that my right hon. friend has spoken, rather from his wishes, than from his actual knowledge, if he meant to hold out a hope to us, that the Catholics of Ireland, in their present temper, would agree to any such securities for the preservation of the constitution, and our national religion, as he has suggested. Most happy, indeed, would it be for Ireland and the empire, if they would bend a little on this subject, and meet the growing liberality of their Protestant fellow subjects with equal sincerity, and equal desire to bury, for ever, the differences which have so long distracted their common land. Melancholy it is to reflect that people, so disposed, from the finest feelings of the heart; people, in all other respects, so admirably qualified to be an ornament to human nature, should, in the subject of religion alone, be so divided as to be in reality two distinct families in the same house; jealous of each other, and neither of them disposed to weigh and consider the real causes of that jealousy, with a view to a final adjustment. Now, however, they have appealed to this House, as a common friend, to interfere; and I trust the decision, now to be made, will prove satisfactory and final.

You have, therefore, now before you the Catholics of Ireland, praying an unqualified repeal of all the restrictive statutes yet in force against them. On the other hand, you have the Protestant population of Ireland, expressing their jealous apprehension that such unqualified repeal would be ruinous to their peace and comfort, dangerous to the constitution, and ultimately subversive of that liberty which was, in their hope, secured for us by the Revolution. The difficulty to satisfy both must strike every man who hears me:—but the difficulty increases, when we consider the peculiar circumstances of Ireland as a conquered country; frequently, since its conquest, revisited by insurrections and rebellions, with a view of repossessing, by force, property which, by treason, had been alienated: and extirpating the English settlers, on that property, so confiscated.

After the first conquest of that country, the policy of England was to introduce the blessings of the British constitution, by the force of law; but vain was the effort, their laws were despised and neglected. They lay (to use the words of a highly respected man, formerly an ornament to this House) like lumps of marl on a barren moor, encumbering what they could not fertilize.

Baffled thus in the hope of establishing

civil order by law, king James the 1st adopted a surer mode, and planted a colony of English and Scotch settlers in the north of Ireland, then almost exhausted of inhabitants by the frequent wars and rebellions of its chief. This colony occupied the province of Ulster. It carried with it the British constitution in church and state; it introduced your laws; it emigrated under the faith of your charters—charters recognized by many acts of the legislature; and, under such faith and such laws, it has grown to strength, and power, and wealth. They are children of your children: they have the right of blood and the right of law to claim for the continuance of that liberty and the protection of that religion, which your ancestors granted to them, and on the faith of which grants they emigrated from their native land. They are not bigots, as has been weakly insinuated; they are a wise and religious people, frugal and obedient to the law; they are a people who 'serve God and honour the King.'

The grave and sober language of their petitions will, of course, have its just weight with the House. They tell you they feel alarmed at the unqualified demands of the Catholics. The recollection of former times is fresh in their mind; but if it were not so, or even if they wished to forget former aggressions, surely the speech of an hon. general (Mathew) this night, is sufficient to revive these jealousies, not only in the people who have thus petitioned, but even in those members of this House whom they have sent to protect their interests. For one, I feel indeed greatly depressed in spirit, and in sincere hope of mutual forbearance, when the advocate of the Catholic question laments the issue of the battle of the Boyne in this House, and brands the government of king William with an act of gross violation of the articles of Limerick. Will not such language call up the recollection of the causes, which produced that memorable battle? Will not the Protestants of Ulster recollect the parliament, which king James assembled in Dublin, immediately before that battle, consisting of above two hundred Catholics and only six Protestants, passing a law to repeal the act of settlement under which the Protestants of Ulster had, for half a century, held their lands and property? Will they not recollect that parliament vesting, by one sweeping clause, all they had in the world in that unfortunate monarch, to be by him distributed among his Catholic followers. But they did not stop here; for by a second act they gravely attainted, of high treason, about 2,500 Protestant gentlemen; some on evidence, as they said, and others on common form. Thus stood the Protestant colony at that period, deprived of their property, and attainted of treason, because they were Protestants. Thus acted the Catholic parliament in the zenith of its powers, when the great deliverer of the rights and liberties of the Protestants effected his object by that battle, which the hon. general deplores the issue of; and thus these Protestants, so relieved by the Prince of Orange, are branded, as it were, by the name of Orange-men—a name which they glory in;—gratitude binds them to their deliverer; in their hearts is engraven that gratitude; and to deprive them of that feeling, you must tear the heart from, for while it beats in, their breasts, their gratitude will live; and while wine is to be obtained in their land, they will offer their daily libations to the 'immortal memory of their glorious deliverer.' Imprudent, therefore, in the extreme, seems to me that language; if it really be the sentiment of the Catholic body, which I trust it is not, difficult indeed will be our task to satisfy their mind; and dangerous will be the experiment.

The Protestants ask securities against the recurrence of such dangers. They know and feel great danger from the restless ambition of the Catholic religion, when ever it is wielded as an engine of political power, or made subservient to political purposes. This religion, differing from all others which ever this earth knew, from its dawn affected political power; and as it grew in strength, divided the allegiance of the subjects of all states, between their legitimate sovereign and the head of the Romish church. It gained great temporal possessions, and at last assumed a title to the whole earth. Kings received their kingdoms from the Pope, and did homage for their lands; even the British lion couched beneath the holy pastor's crook, and, humbled and tamed by the spell of his influence, received from the Pontiff's hands the crown of England and the chains of Rome—chains which the Reformation burst in England, but which the unfortunate people of Ireland suffered with impatience to a later day. The Reformation in England had alarmed the see of Rome; and to defeat, as far as possible,

that great effort of the English nation, Ireland was ever since made the theatre for Popish influence to gall and distress the heretical and apostate power of Great Britain. This, and the circumstance of conquest, which I have already mentioned, I take to be the real causes for the feelings of the Roman Catholics of Ireland continuing, to this day, more jealous and more difficult to be altered in that country, than in any other country on earth.

I have thus, Sir, endeavoured to draw your attention to the state of things as they really are, that the dangers on both sides may be fairly estimated. I do not say they may not be remedied—God forbid I should have so gloomy a view of the subject. But I see and feel more difficulty than many honourable members seem to suspect, and most of all I feel, at this moment, the unbending disposition of the Catholic body; so far from yielding in any particulars, that they actually retract former concessions, and now refuse to admit what, to my knowledge, they were willing, three years ago, to accept with gratitude, and did, therefore, actually publish their thanks to some Protestant bodies who took into consideration the Veto, and were willing to take it as the security they looked for, against foreign influence.

I do not, however, despair, nor do I wish to direct on that body at large the violence, intemperance, and hostile menaces of those who somehow have assumed the conduct of their cause, and in parliamentary parade and state have assumed the political government of the Catholics of Ireland.

I therefore am ready to go directly into the consideration of any defined proposal for their relief; and this mode I would prefer to a committee of the whole House, as proposed by the highly respectable character who introduced the question—a character whom every Irishman regards, and every Englishman must admire—whose zeal and unwearied industry, in the service of his native country, we must all acknowledge with gratitude, But when even he, after twelve years attention to this subject, has been unable to produce any specific plan, any tangible proposition, I feel that our researches will be vain in a committee into which we enter without a direct object, and it will turn out, like the proceedings of the debating societies, I have before alluded to—all declamation on grievances either real or imaginary, inflaming passions and baffling reasons; raising difficulties and not applying remedies. I therefore, on the whole, prefer the mode pointed out by my learned friend, to introduce a Bill at once stating the points in which it might be prudent to yield, and stating the securities which they offer for the preservation of our ancient and glorious constitution in church and state.

Mr. *James Daly*:—Sir, I beg pardon of the House for offering myself to its notice, at a moment when it is naturally in expectation of the rising of some person, every way more entitled to its attention. I trust however that the extreme importance of the subject will plead my excuse. If I could be induced to believe, with the hon. gentleman on the floor, (Mr. Bankes) that there could be no other intercourse between the Protestant and Catholic, than between God and Belial, I would instantly espouse his side of the question and anxiously oppose the motion of my right hon. friend; but, convinced, by experience, that the contrary is the fact, and knowing that the utmost harmony and cordiality not only can, but actually does exist, between these two descriptions of his Majesty's subjects, I feel myself imperatively called on to support any measure which may procure, for the Catholics, those privileges, which, I must contend, are the natural rights of all subjects, born under the British constitution; rights which may indeed be withheld, but not except on very strong and urgent grounds. And what, Sir, is the motion of my right honourable friend? Does it pledge the House, at once, to say that there are no such strong and weighty objections? No, Sir; it merely asks this House to go into committee to consider whether there be any such objections or not. And he asks this in the name of above three millions of persons of whose courage and loyalty you have almost daily proofs. And what are the reasons urged against going into this committee? The danger apprehended from the Pope, and the disinclination of the Protestants. The danger of the Pope is attempted to be drawn from a series of pamphlets, to discuss which I shall not now trouble the House, but I remember that the right hon. gentleman (Mr. Yorke), who seems so very much afraid of him, told us, in the course of his speech, that we were at this moment under sentence of excommunication by him,

which he said he believed few knew. This ignorance of our being under the most serious sentence of the papal power, I cannot but consider as a strong argument that that power is not so very formidable as the opposers of this motion represent it to be. But, Sir, it is intended that, by agreeing to this motion, you may perhaps conciliate the Catholic, but you will thereby alienate the Protestant. I will not take upon myself to say what may be the Protestant feeling, in England, farther than that very few of the counties and populous towns have come forward, if they are really very anxious on this subject. As to Ireland, I will venture to assert that the voice of the Protestant is in favour of the Catholic; I assert this from experience and also from the Petitions on your table; for not above three or four request that the Catholics may not get any thing more. The rest demand securities for the Protestant constitution, should the wisdom of parliament concede their wishes to the Catholics; thereby admitting that, with securities, they are entitled to the prayer of their petition.

I, Sir, also expect securities; not however the Veto nor any security of that sort, but those which arise from the increasing wealth of the Catholic, his increasing property, and his increasing attachment to the constitution, arising from the feelings of the increased happiness and comfort he enjoys under it. These, Sir, are the securities I seek for, and conceiving them best attained by agreeing to the motion of my right hon. friend, I shall give it my cordial support.

Mr. *William Fitzgerald* said, that the House had heard from the right hon. baronet who had addressed them last but one, the character of the petitioners, whose claims they were called on to consider. To the testimony of that right hon. baronet, he was willing to add any weight which his opinion might carry with it. He should not, perhaps, have thought it necessary to have addressed the House; but, entertaining the opinions he did on this subject, and standing, as he did, in a public situation, he conceived himself bound to state the grounds on which he intended to give his vote that evening. In giving that vote, he would be a traitor to his own feelings, a traitor to the cause which he supported, and a traitor to his country, if he gave to the sentiments of any man a greater degree of importance than they intrinsically deserved, abstracted from every personal consideration. He felt in opposition to what had fallen from an hon. gentleman last night, that it was a fortunate circumstance that the question had been left, at the conclusion of the last session of the last parliament, as it had been. By this means it permitted gentlemen, who were favourable to the Catholic Claims; to remain in connection with those to whom they were, by their public duties, as well as by their private feelings, attached.— Such a moderate course of proceeding he hoped would produce, either on that night, or on any future night, when the question should be decided, a fortunate result to the motion of the right hon. gentleman. It was fortunate that they did not come to it as a party question; it was fortunate that they did not come to it as a question, the decision of which would bring triumph to one party or to another; but as a question deeply interesting to the general welfare of the empire. Fortunately it had been treated in this manner—for if it had been introduced in any other, such an introduction must have tended to its defeat. The right hon. baronet (sir John Stewart) had observed, that he coincided in all that fell from the right hon. mover, and had entered into so warm a description of his Catholic countrymen, as he (Mr. Fitzgerald) could not help considering as a prelude to his approbation of the present motion. But, with a degree of inconsistency, which he never before witnessed in parliament, that right hon. baronet had called the House back to the proscription of the Catholic parliament of Ireland. The right hon. baronet had called the House back to those acts which he (Mr. Fitzgerald) did not wish to bring to their remembrance. But, the right hon. baronet should have recollected, that they were not asked to decide on the conduct of the Catholics of that day.—He differed from an hon. general (Mathew) who had spoken of the Roman Catholics as having faithfully and loyally adhered to king James, and being absolved from any blame in so doing. He neither regretted the battle of the Boyne, nor lamented over the Revolution; but still he thought that the claims of the Roman Catholics should not be neglected; when he saw, that a conscientious spirit, however mistaken, bound them to the throne of James, although he might lament the course which they had pursued, still he would never agree in the proposition, that the manes of the acts passed by the Catholic parliament of Ireland, were to be conjur-

ed up to deter that House from granting concession at the present time.—The right hon. baronet had stated, that they knew not with whom they were to treat; they were ignorant of any party with whom they were to negociate. He (Mr. Fitzgerald) wanted neither to treat nor to negociate; such a proceeding was not compatible with the duty, the honour, the dignity of parliament. For he perfectly agreed in those sentiments which fell from the right hon. mover last night, that it was for parliament to legislate; and, if concession were called for, it was for parliament to state the terms.—He would not go into the various questions introduced by different members in the course of the debate; it was enough for him distinctly to observe, that, in voting for going into a committee, he did not bind himself to any thing which might afterwards be proposed—but he would enter that committee, anxious to promote such measures as might tend to general harmony; anxious to grant to the Roman Catholics all that they could fairly demand; and no less anxious to preserve the Protestant Church, unimpaired, in all its sanctity and all its splendour. The right hon. baronet said that he appeared on the part of those who "feared God, and honoured the King!" Was the right hon. baronet then to be understood as meaning, that those who were friendly to the Catholic Claims did not fear God, or did not honour the King?—Surely they were equally attached to the constitution as those who formed a different opinion on this subject. The right hon. baronet had designated the Protestants of the north of Ireland, a part of whom he represented, as a loyal and faithful race; the sons of their sons, the descendants of Englishmen. Did the right hon. baronet mean to say, that the Roman Catholics of that part of the country were otherwise? The Protestants of that country might be the sons of their sons, but they ought to recollect that the Roman Catholics were their brothers. The vote which he meant to give, was not forced from him by any particular circumstances, that vote he would give whether in office or out of office; without any reference whatever to political connection. The recent conduct of the Catholics had repeatedly been alluded to, in the course of the debate. Whatever that conduct had been, and part of it, he admitted, was presumptuous and overbearing, the general body had been severely visited for it, since that fact had been made one of the strongest arguments against their claims. But still that was not the cause which they were called on to decide. However improperly individuals might have demeaned themselves, that conduct formed no reason for condemning the whole Catholic body; still less was it an argument for decision against the Catholic Claims.—Should those claims be submitted to a committee, the first thing that committee would have to consider would be what arrangement could be made, without trenching on their religious rights—without impairing the dignity of the Catholic Church—at the same time affording full security to our Protestant establishments. The right hon. gentleman expressed himself particularly favourable to domestic nomination; as preventing foreign intercourse and foreign influence; that intercourse with the See of Rome, which even Catholic monarchs considered a high misdemeanour in their subjects. The greatest security, he conceived, which the Protestant establishment could have, was to be found in attaching the Catholics to the constitution under which they lived—by exciting their interests, their feelings, their pride, and their passions, to its support. Whether to assist in such a work, their clergy should receive regular stipends from the government, or be supported by a grant from parliament, he would not take upon him to say: but, of this he was sure, that means of conciliation might be devised, which would be sufficient to remove every grievance; and, therefore, he would vote for a committee, in which those means might be maturely weighed and considered.

Mr. *Edward Protheroe,* in a maiden speech, said:

Sir; considering the deservedly high authority, in this House, of the right hon. mover of the Resolution, in the last parliament, with which our compliance is now demanded; considering, too, that this Resolution was adopted by a former House of Commons; I feel that it would ill become the humble individual who has now the honour of addressing you, to question its political wisdom or constitutional propriety; yet I cannot but rejoice that as a member of the new legislature, I approach the discussion of this important question with a judgment unshackled by any pledge whatever. My hon. colleague (Mr. Richard Hart Davis) has truly said, that his sentiments are sanc-

tioned by the great body of our constituents; yet, decided as are their instructions, I shall follow them so far only as they are consistent with the dictates of my own conscience.

The right hon. gentleman who now urges to redeem the pledge of the last parliament, has contented himself with giving an eloquent and general detail of the advantages to be derived from the investigation and full discussion of this subject, in a committee of the whole House. Now, Sir, I frankly confess that, in a question of this nature, I see no advantage to be gained by that mode of enquiry, which is peculiarly suited to such cases as the Orders in Council, where the production of evidence might throw additional light on the subject under consideration; but what evidence could assist us in weighing the scruples of conscience, or the feelings of loyalty? In ascertaining constitutional rights, or balancing political expedience? Our present debate may afford a fair specimen of the proceedings of such a committee, and of the dissonance which must prevail there. We hear the right hon. and learned gentleman (Mr. Plunket), whose speech has met with such deserved applause, candidly admit the necessity of providing some safeguard against the danger, which must arise, from the exercise of foreign influence; yet he does not profess to be prepared with any definitive proposition, satisfactory to the Catholics or to himself. The hon. baronet (Sir J. C. Hippisley), who has bestowed so much attention on the subject, has indeed matured his plans, but requires a special committee to take them into consideration. The hon. general (Mathew), on the other hand, boldly avows that the Catholics will not, ought not to be satisfied, unless their claims are conceded, without any restraint or restriction whatsoever.

Sir, I demand, before we descend, for the sake of conciliation, one step from the high ground of the constitution, that we should not only have, before us, the appearance of a cordial disposition, on the part of the Catholics, to approximation in loyalty and charity, but that the heads of that church should give proof of their sincerity and moderation, by the tender of every concession and every pledge consistent with their faith and conscience. Is this, Sir, the spirit that we witness? On the contrary, have not their most zealous friends, who have been striving to render them popular, by desiring pledges of loyalty, received in their turn nothing but obloquy and disavowal? May we not still recognize, in the haughty tone which thus rejects all compromise, the spirit of the *Servus Servorum*, trampling on the neck of kings! With such experience, few senators will hereafter have the hardihood to become sponsors for those who refuse "to ratify and confirm all that has been promised and vowed in their names."

These Protestant advocates of the Catholic cause now take their ground with greater circumspection. Unable to conceal the intolerant spirit and dangerous tenets of the church of Rome, recorded in the page of history, they aver that modern Catholics have renounced these doctrines, and triumphantly produce their proof, in answer to certain queries proposed to foreign universities. Need I reply that every true Catholic acknowledges the authority of a general council, duly held under the sovereign pontiff, to be infallible, and submits his conscience implicitly to its decrees; whereas he knows of no such authority, in his church, as that of an university? I cannot but observe too, that not one of these universities intimates that the belief of the Catholic church is, in the slightest degree, changed or capable of change; and though they disavow certain doctrines to be those of their church, they do not deny that she retains every article of the faith, which she professed, when the horrors of a bigotted persecution presented, to this country, its practical illustration.

I will not now enter on the question, whether any of those tenets, in times of greater peril to the constitution, rendered necessary the exclusion of their professors, from the full benefits of religious toleration, or justified the penal laws which, under happier auspices, have been effaced from our statute books. I rejoice, Sir, that no limits are now placed, nor need be placed, to the enjoyment of religious toleration. If there remain one vestige of a penal statute, infringing the free exercise of religious worship, according to the dictates of every man's conscience, let it be wiped away as a disgrace to our religious charter!

But surely I need not remind the intelligent legislator that religious liberty is one thing, and political privilege another; that a state of political society implies the existence of restraints for the general good; and that it is for the supreme authority, in every state, to judge and deter-

mine to what persons power and office can most safely be entrusted. If the legislature deem it prudent to prescribe a test of affection to the government, as a qualification for admission to office, surely this is no infraction of political rights! If there exists a national establishment of religion, united with the civil government, and incorporated in the constitution of the country, is it not natural that this test should be extended to a proof of attachment to the whole constitution? Above all, could it be reasonably expected that any government should admit, to places of the highest trust and authority, those, whose principles are known to be adverse to a part of the constitution, and whose faith must lead them to wish for its subversion? Lord Bolingbroke, whose judgment will be allowed not to have been warped by any religious partialities, expresses a decided opinion, that "no man ought to be trusted with any share of power under a government, who must, to act consistently with himself, endeavour the destruction of that very government." I admit of the inestimable blessings of peace and concord in the country,—but let us beware of sacrificing the solid advantage of union in our councils, for the illusory temptation of a general comprehension. I see nothing to be coveted in that "false peace," which lord Bacon describes, as "pieced up upon a direct admission of contraries in fundamental points, where truth and falshood are like the iron and clay in the toes of Nebuchadnezzar's image; they may cleave, but they will not incorporate." Let me appeal to the sentiments and conduct of a Catholic peer. When the Test Law was introduced into the House of Lords, lord Bristol candidly avowed that, "as a faithful member of a Protestant parliament, his advice prudentially went with the main scope of the bill," though, "as a Catholic of the church of Rome, his conscience obliged him to give his negative to it."* Here we see the conflicting and irreconcilable principles, and observe that the duty of the statesman yields to that of the churchman. What have we then to expect from less honourable minds, than that of this distinguished nobleman!

I have heard, Sir, and I am sorry to say, within these walls, the most harsh, the most illiberal censures cast on the clergy of the established church, for taking a share in what is called a merely political discussion. What, Sir! after passing an act of political exclusion, not very consistent with the doctrine of universal right to office; after incapacitating every individual of the clerical body from the possibility of addressing you in this House, will you debar them from the privilege of humbly petitioning you in favour of that venerable establishment, to whose interests they are bound by every tie of duty, as well as affection? I deny, Sir, that they have come forward with a spirit of bigotry or intolerance; very different is the mild character of the church of England. "Learning has a lovely daughter, and her name is Moderation." And the addresses from the clergy, lying on that table, are imbued with that genuine spirit of Christian charity, which improves and adorns society. It is, then, as a lover of toleration, as a warm friend of civil and religious liberty, that I plead for the maintenance of Protestant ascendancy.

The right hon. mover disavows any intention of interfering with the Bill of Rights, or the Act of Settlement. He will recognize and re-enact the security of the Protestant succession to the throne; but, let me ask the right hon. gentleman, upon what principle he fixes the limit of Catholic rights, and says, "thus far shall you go, but no farther." With what arguments will he combat the next petition from the Roman Catholics, when he has previously conceded, nay advocated its principle?

I have considered the subject of the Catholic claims, as it affects the general interests of the empire. I shall not presume to touch on the peculiar situation of Ireland, though I think much might be said on the causes of the irritation, which has been excited, in that country; but I leave this subject to those who are acquainted, from personal observation, with her wishes, her wants, and her interests. I shall now conclude, Sir, with reminding the House of one of the queries of her sagacious and patriotic prelate, "Whether those men who move the corner stones of a constitution, may not pull an old house on their own heads?"

Mr. *Ayshford Wise* addressed the House in a maiden speech, as follows:—

Mr. Speaker; considering the question now before the House, as a question of the greatest importance, I have listened,

* See the new Parliamentary History of England, vol. 4, p. 564.

with proportionate attention, to the different opinions, which have been so eloquently delivered, during the discussion of it; and I shall now trespass upon the House for a few minutes, not because I am presumptuous enough to suppose that I can have any claim to their favour, but because I do sincerely believe that, from that class of society, the country gentlemen, may best be earned the sentiments of those among whom they reside.

The Resolution, Sir, of the last parliament, that the House would, early in the next session, take into its most serious consideration the laws affecting his Majesty's Roman Catholic subjects, in Great Britain and Ireland, with a view to such final and conciliatory adjustment as might be conducive to the peace of the United Kingdom, stability to the Protestant establishment, and the general satisfaction and concord of all classes of his Majesty's subjects, naturally created much interest in all classes of society; much interest, Sir, in the minds of those who were accustomed to look up to this House, with that respect, which is, and I trust, ever will be due to the legislative body of a great and independent country—amongst those, Sir, I must include myself; not then, in the proud situation I now hold; and, since returned to parliament through the approbation of honourable men, free from expence and unclogged by promises.

Having, Sir, said thus much, I beg humbly to state to the House, that, from very particular observation, I am inclined to believe that the Protestant population of England is not unfriendly to a due and fair consideration of the claims of their Roman Catholic brethren; and I shall, this night, very sincerely give my vote for the motion of the right hon. mover, because I think that the Catholic communion is now divested of many of those tenets, which have been, hitherto, considered dangerous and unconstitutional; because I think the parliament is pledged to pursue its own resolutions, and because I firmly believe that a Protestant parliament can, now is, and always will be able, so to legislate, that the Protestant establishment may remain pure and strictly secure, both in church and state; and, considering that, by the vote for going into the committee I do not pledge myself to any future act, and that I reserve to myself full and ample power to object to any resolution of that committee, which I may even suspect of a tendency to weaken or cripple the power of that constitution, which has so long protected our laws, our liberty, and our land.

Sir *Frederick Flood.*—Mr. Speaker; the best apology I can make to this House, for rising at this very late hour, is to assure them I shall be very short. But, on a question so deeply important as the present, which, whilst it involves the general interests of the empire, affects, in a peculiar manner, millions of the country to which I have the honour to belong; I owe it to myself, and to my numerous constituents (many thousands of all religious persuasions), to explain my reasons for voting to go into a committee.

I lay it down, Sir, as a maxim that the blessings of our free and glorious constitution ought to be diffused as widely, as is compatible with the safety of the constitution.

Another incontrovertible proposition, very material to the question, is, that there is nothing in the Catholic religion naturally hostile to the constitution under which we live. They ever were friends to monarchy. In the bosom of the Roman Catholic religion, the English constitution received its birth, and Catholics rocked its cradle. They obtained Magna Charta—founded our universities; and let us proceed to Runneymede, and, on that hallowed spot, inquire whether Catholics are hostile to the liberties and chartered rights of England. Let those who say that the Catholic church is inimical to our freedom, refer to the reign of Henry 3, and see all the Catholic bishops and abbots assembled, and after reading the great charter, with solemn ceremonies and tremendous denunciations, passing sentence of excommunication against every person who should violate it. It was Catholics that founded the House of Commons of England, in which we sit this night, discussing the propriety of granting them a participation in the constitution. Common dangers should be repelled by united efforts.

You, Mr. Speaker, have twice read from your chair, solemnly, and, I trust, impressively, the last will and testament of the late parliament, executed by 237 members of it, and attested by 106 witnesses, other members of the same parliament, date 23d June 1812; resolving to take into their serious consideration the state of the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to

final conciliation, and to the strength and peace of the United Kingdom, and I think I see, in the hand of the right hon. judge of the Irish prerogative court, (Dr. Duigenan) either a protest granted to the present parliament to carry that will into effect, or a caveat;—but I cannot suppose the latter, after he has formerly declared his decided opinion nearly in these words before the Union:—"That we are one people with the British nation.—The Protestant body in the whole empire would be so great—that all rivalship and animosities between Protestants and Romanists would cease for ever, and it would be unnecessary to curb the Romanists by any restrictive laws whatever."

After this declaration, I trust that the right hon. and learned doctor must vote, at least for committing the Catholic petition, which is all I pledge myself to at present. [He then cited the opinions of Mr. Pitt, Mr. Fox, Mr. Burke, Mr. Windham, Mr. Sheridan, Mr. Grenville, bishop of Norwich, Mr. Locke, judge Blackstone, &c. in favour of Catholic emancipation.] Millions of Catholics have shed their best blood both at sea and on land, in defence of the constitution; and are these the people, about whom it is idle to take any interest, or to trust? The more interest you give the Catholics in the constitution, the more they will exert themselves to maintain what their blessings spring out of; and no country can be blessed and prosperous in which the people are discontented by exclusions from blessings. He quoted the statutes of 1779, 1781, and 1793, passed in Ireland in the administrations of the two noble lords, members of the present cabinet, and stated the very words of these statutes as follows, viz. "Whereas from the uniform good behaviour of the Roman Catholics for more than a century past, they deserve well, and it must tend, not only to the cultivation and improvement of Ireland, but to the prosperity and strength of all his Majesty's dominions, and that all his subjects should be bound together by mutual interests, and mutual affections, and that all his Majesty's subjects, of all denominations and descriptions, should enjoy the blessings of our free constitution, and that all persons of whatever persuasion, as have heretofore taken, or who shall hereafter take the oath, and subscribe the declaration, prescribed by the 13th and 14th of Geo. 3, and the oath of the 33d of Geo. 3, ch. 21, ought to be considered as good and loyal subjects to his Majesty, his crown, and government;" and yet being cajoled, they are now told that they are not to be trusted, unless they abandon their religion altogether, notwithstanding this legislative enactment, and the treaty of Limerick in 1691.

He then adverted to the conduct of the Irish government when lord Westmoreland was lord lieutenant, and the present earl of Buckinghamshire his secretary, both now members of the cabinet. They set every engine to work at county meetings, grand juries, &c. to resist the Irish Catholic claims for election suffrage, and afterwards they left their friends in the lurch, and in the very next year 1793, the Irish government brought in a Bill to grant the Catholics, not only elective suffrage, but more than they had asked. The hon. baronet concluded with many more appropriate observations, and thanked the House for their indulgence at so late an hour, and after so many luminous speeches.

Mr. *John Round*.—Sir, impelled by a strong sense of public duty, I would venture to solicit, for a few moments, that indulgence which I trust the House is not disinclined to shew, to one recently admitted within its walls. On a former occasion, when, in the discharge of the duty I owed my constituents, it had fallen to me to present, to the House, a petition from the borough I have the honour to represent, praying that the claims of the Roman Catholics to further political power might not be conceded, I shortly stated that my own sentiments, on this vitally important national question, were strictly in unison with those then expressed by my constituents. Though there is no member of this House more unfeignedly desirous than myself, to see the doors of parliament opened wide to the representations of the subject, and to enter into the serious and dispassionate investigation of grievances complained of by the people, I yet feel myself imperatively called upon to give my decided negative to the motion of the right hon. gentleman last night submitted to the House, recommended, as I admit it to be, by an animation, a fervor, and an eloquence, on the part of the right hon. mover, which, whilst it excited my admiration in an eminent degree, proportionably induced equal regret at the necessity I feel, of giving to it my strenuous opposition. In the view I take of this question, it becomes me manfully to avow my opinion that

concession has already reached its utmost limits, and that it would be utterly unsafe to admit, into the councils of the state, those who hold tenets at variance with a Protestant creed, and subversive of a Protestant ascendancy. I cannot consent to go into a committee from which I expect no satisfactory result—I am sure the House cannot come, with any prospect of a final and conciliating adjustment of rival interests. I owe it to the Catholics themselves, not to excite hopes, which I believe, will terminate tn the bitterness of disappointment: I owe it to the Protestant community of this country not to turn my back upon the petitions they have presented to this House, praying against the concession of the Catholic claims. In every view of the subject, I feel myself compelled to vote against the proposition of the right hon. gentleman for going into a committee.

Sir *John Newport* rose amidst loud cries of Question! The right hon. baronet observed, that as there were very many members who were anxious to speak on the question, he should move an adjournment of its consideration to Monday.

Lord *Castlereagh* remarked, that as it would be quite impossible to come to a conclusion on this important question that night, it appeared to him, that the only point of consideration was, whether the House would then adjourn, or at a later hour.—The motion for deferring the further consideration of the question to Monday, was then put and carried.—Adjourned at two o'clock on Saturday morning.

HOUSE OF COMMONS.

Monday, March 1.

Mr. Grattan's Motion for a Committee on the Claims of the Roman Catholics — Adjourned Debate.] The order of the day being moved, for resuming the adjourned debate on the motion, "That this House will resolve itself into a Committee of the whole House, to take into its most serious consideration the state of the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the united kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects," the House resumed the said adjourned debate.

Sir *John Newport* rose and said, that if the question had been left to the consideration of the House, under the circumstances, and in the form in which it had undergone the discussion of last year, he certainly should not have felt himself then called upon to trespass on their patience, but would have rested the cause of the Roman Catholics on the statement so ably made by his right hon. friend who opened the debate; and on the eloquent appeal of another hon. gentleman (Mr. Plunket) whose speech was heard by the House with so much attention, and which had been honoured with so much well-merited applause.

But there were circumstances attendant on the discussion of the subject this year, which did not exist when it was last submitted to the consideration of the House. Some of those who were inimical to the cause had gone as far as they possibly could, by recurring to the basest arts to prevent the subject receiving a calm and deliberate investigation. They had endeavoured to persuade the Protestant population, that this was a question vitally affecting their religion, and that it was to be judged on that principle alone, divested of those various and important political considerations, by which the legislature ought to be actuated in their examination and their decision, and which he was sure were more fit to guide the judgment of parliament, than any of those topics which seemed to be principally relied upon at several meetings,—meetings which he was in some respects obliged to characterise, as calculated to produce, and absolutely producing ill-will and dissention amongst the great body of the people.

In the course of his speech, it was his intention to examine some of the statements which had been publicly made, with a view, as he conceived, to prejudice and inflame the minds of the people against the claims of their Catholic brethren. Under the circumstances in which they were placed—when they were called on to legislate, in order to restore tranquillity to a large portion of the empire—when they were called on to legislate, for the purpose of producing that strength and energy throughout the empire at large, which must result from conciliation and harmony—by uniting the great body of the people in the participation, and, consequently in the defence of those rights, which were common to them all—under these circumstances, it must appear evi-

dent to every man, that the more calmly the legislature proceeded, the more likely were they to succeed in establishing that harmony and concord, which was allowed on all hands to be so extremely desirable.

He was truly sorry to see, that, in the agitation of this great question, some men of high rank, some ecclesiastics of great dignity, had put themselves mainly forward. And he could not but think, that where a large majority of a former House of Commons, had pledged themselves to take the subject into consideration, it would have well become those mitred prelates to have left it in the hands of parliament. He was of opinion, that no good could result from their entering into the question, in charges addressed to large bodies of the clergy; and still less could any just or equitable purpose be answered, by their throwing on a great portion of the community, accusations, at once the most foul and the most unfounded, in such a manner as left the injured parties without a direct opportunity of justifying themselves. That course having been adopted, it was necessary to examine into the nature and foundation of those charges; and to endeavour, in that House, to refute accusations so unfairly and so unwarrantably made. Amongst other matters contained in the Charge of a right reverend prelate, which he then held in his hand, which had been first delivered to a body of the clergy, and was afterwards published to the world, were a variety of statements directed against the tenets of the Roman Catholics: those statements were not confined to speculative points, or religious dogmas, but contained charges of the most abominable nature. When a reverend prelate stood forth, and put the question in this manner—"Does any person employ in his private concerns a man whom he believes to be disaffected to his interest, or who would rejoice in his downfall?" When a reverend prelate thus stated the relative situation of the Protestant and the Catholic, he felt absolute astonishment. He could not avoid demanding, with amazement, how a dignitary of the church could stand forth, with what some might term an indirect, but what he considered a direct charge against the whole Catholic body? A charge which, however it might be veiled, did, in effect, accuse them of disaffection to the state, and of harbouring principles which would lead them to rejoice in its ruin and destruction.

But, lest any doubt should be entertained of the meaning of the right reverend prelate in that Charge, he afterwards makes the accusation in plain and direct terms—in such terms, indeed, as he thought called for the animadversion of his Majesty's ministers; who knew that the statement was unfounded, and had themselves, over and over again, in their places, disclaimed and refuted it. The passage to which he referred, was in another part of that reverend prelate's Charge, and set forth, "that the demands of the Catholics, in 1793, were made under their promise of peaceable demeanour, and of zeal against the common enemy. And, if granted, the Papists declared, that they would apply for no farther indulgence." This the right hon. baronet positively denied; it was, in truth, a most unfounded assertion. And, in proof of this allegation, he would call the attention of the House to a question which was put, at that time, by the late marquis of Downshire to the present earl of Buckinghamshire, then lord Hobart. The noble marquis observed, "that his vote mainly depended on the answer he should receive to this question. Will the Catholics be satisfied, if the concessions now asked are granted? Will they accept them in full satisfaction of their demands?" What was the answer of my lord Hobart? "I am not warranted in giving any such assurance!" And what was the real state of the fact? Why the petitioners, at that period, called, as they now call, for complete emancipation. And, it was remarkable, that, upon the bringing in of the Bill, which was introduced to grant them partial relief, the then member for the University of Dublin, the late Mr. Knox, proposed that they should be admitted to a full participation in the rights of the constitution. "All the demands which were made in 1793," continued the learned prelate, "were granted; and what was the consequence? The Papists having acquired additional strength, and having, by their promises, lulled the government into security, formed a traitorous conspiracy, broke out into open rebellion, and invited the French to their assistance, to obtain their real objects—separation from Great Britain, and Catholic ascendancy!"

The right hon. baronet said, he did not think it was possible to bring forward, in more direct and decisive terms, a charge of treason against the whole body of the Catholics of Ireland. And he was sure

the noble lord opposite (Castlereagh) would not sanction such an imputation. Over and over again it had been declared, that it was not a Catholic rebellion. And this would be clearly seen by looking to the persons by whom it was fomented and organized. Such an examination would shew, that, of the whole Directory, but one was a Roman Catholic. For the truth of this statement, he would appeal to the declarations of the legislature. They had never designated it as a Catholic rebellion: and, surely, if they had believed it was, they would not have gone on, from year to year, making provision for the Catholic college at Maynooth.—(Hear!) He was aware that many Roman Catholics were engaged in that melancholy business. But it could not be otherwise, it must always be the case where a rebellion existed in any country, the great mass of whose inhabitants was of a particular religion, that some of the members of that religion must be connected with it; but, in the first French expedition, to Bantry Bay, so far from having any idea of assisting the invaders, every support was given by the Roman Catholics to his Majesty's troops. While at that time, in the north, an organized system prevailed, in the south, the inhabitants were perfectly peaceable and loyal, and, with heart and hand, united in defending the country against the French.

Was it right, then, that dignified clergymen should come forward and make such attacks? Was it right that such statements should pass unrefuted? To those mitred prelates who had been the means of procuring several of the adverse Petitions then lying on the table, he would strongly recommend the perusal of a passage, which struck his eye that morning, in a sermon preached by archbishop Sharpe, before the House of Lords, in 1700. That learned divine there observed, "If a preacher in the pulpit should presume to give his judgment about the management of public affairs, or to lay down doctrines as from Christ, about the forms and models of kingdoms and commonwealths, or to adjust the limits of the prerogative of the prince, or of the liberties of the subject in our present government, I say, if a divine should meddle with such matters as these in his sermons, I do not know how he can be excused from the just censure of meddling with things that nothing concerns him. This is, indeed, a practising in state matters; and is usurping an office that belongs to another profession, and to men of another character; and I should account it every whit as indecent in a clergyman to take upon him to deal in these points, as it would be for him to determine titles of land in the pulpit, which are in dispute in Westminster-hall."* Such was the opinion of archbishop Sharpe, preaching before the House of Lords, on the 30th of January, 1700. He felt where the duty of a clergyman ceased, and where the province of a legislator began. He did not doubt, but, in the proper place, the House of Peers, that reverend prelate would have delivered his sentiments on any subject which called for them; but he very justly conceived, that the pulpit was not a place exactly suited to the discussion of politics.

It was something extraordinary, that, in several of the charges lately delivered to the clergy, as well as in that to which he had particularly referred, and in some of the petitions against the Catholics, the belief in certain tenets of religion was alleged as a cause for excluding that body from the enjoyment of the privileges of the constitution, which very tenets, those who made the accusation either did themselves hold, or they were not members of the Church of England. For instance, the doctrine of exclusive salvation was insisted on as incapacitating and unfitting the Catholic for a participation in constitutional rights; and these who made this assertion, stated, that no such doctrine was to be found in the Scriptures. He would ask of those persons, how long it was since they had read St. Athanasius's Creed?—It was really something extraordinary that they should in direct terms declare that doctrine, which they preached, and were bound to preach, was no where to be found in the Scriptures. Yet such was the statement contained in the Petition from the archdeacon and clergy of Buckinghamshire, now lying on the table. For these tenets held by particular churches, from the speculative doctrines of religion, and from the dogmas laid down in books, he thought the legislature, on considering this question, would do much more wisely to make their appeal to the practical doctrines of the Catholic church, as actually carried into effect, and as operating on the conduct of states professing that faith. There-

* See Howell's State Trials, vol. 15, p. 94.

fore, instead of examining what was decreed in the council of Lateran or of Constance, it was far better to see what, in the present day, was the practice of Roman Catholic countries—and to investigate, whether they could perceive, in the conduct of great Roman Catholic governments, a recognition of those obnoxious principles which were represented as rendering men unfit to enjoy what were considered privileges, by some persons, but which he contemplated as rights—rights, which, if at all narrowed or restricted, should be thus dealt with only where danger to the state was plainly proved. They were all agreed, that the communication of any right, must, in the first instance, be guided by the great principle of safety to the state. But, if it could be proved that no danger would arise to the state from its exercise—if it appeared that the danger apprehended, existed only in the idea of individuals—if it were evident that there was no solid ground for dreading any ill effects from granting the rights demanded—then they were not justified in continuing to narrow and restrict those rights, which every man was entitled to claim. In taking this view of the subject, it would be necessary to enquire, whether in Europe such a state of things could not be pointed out as fully supported the position he had laid down. In doing this, the attention was at once arrested by the case of Hungary, to which his right hon. friend had alluded on the first night of the debate; and which he had himself noticed, in the debate on the Catholic Claims, in 1809. That case exactly corresponded, both as to previous situation, and the tranquillizing effect which the liberal conduct pursued had on the nation in general, with the question now under consideration. On former occasions, when instances, had been adduced from the states of Switzerland, it was observed, that the system of admitting the members of every religion to a participation in civil rights, might do very well in a small, diminutive republic, but would not answer as a rule for a great population in a country like this. That objection, however, could not be urged against Hungary, which contained 7 millions of people. That country was for many years divided into contending sects—the Lutherans and Calvinists being almost equal to the members of the predominant religion, which was the Roman Catholic. During several centuries, the experiment was made in Hungary, of what might be done by excluding from the privileges of the constitution, that great body composed of those two sects, the Lutherans and Calvinists. The result was, that during the whole period to which he had alluded, the country was in a constant state of convulsion; so much so, that the Lutherans and Cilvanists called in the Turks to their assistance; and more than once the country was divided between the Turks and the Austrians. So the state remained for a considerable time. At length, at a late period, it was in some degree tranquillized. How was that effect produced? By the conciliatory measures of Maria Theresa—but, till 1791, it was not completely tranquillized. Tranquillity was then restored, by an extension of civil rights and civil privileges to all the inhabitants of the kingdom, without any reference to religious opinions—peace and security were obtained, by recurring to that very measure, which the advocates of the Roman Catholics now called on the legislature to carry into effect. So completely were the people of Hungary satisfied, that, in the triumphant progress of Buonaparté, by that country only was his march arrested. When he was in possession of Vienna, the nation, with an united voice, exclaimed—"There shall thy proud career be stayed." It was not possible to conceive a case, more directly in point; and it should be observed, that the predominant religion of the state was the Roman Catholic, which they had been told admitted no toleration, —which they had been informed never granted any thing like the freedom allowed in this country: which the petitioners against the Catholic Claims asserted to be so complete, that no other nation ever granted so much. Yet, in Hungary, a Catholic state, every privilege was thrown open to the Protestant tranquillity, and peace and concord followed. The same rights were now demanded for the Roman Catholics; and sure he was, the same beneficial effects, in the common course of things, must flow from the concession. If it was argued, that those concessions ought not to be made, because, for centuries, contentions had existed between the opposite sects of Protestants and Catholics, the answer was, "the same might be said, with more propriety, of Hungary, where one of the parties called in the Mahometan to their assistance; yet every right was ultimately granted, in common, to all religions; not by an arbitrary monarch, but in a diet, consisting of 400 persons, with a

majority of two to one. This was done in a country connected with the Popish hierarchy, and possessing a Popish priesthood—but the good sense of the laity put down all clerical opposition."

So, he hoped, it would in that House, and in the nation at large. The legislature would, he trusted, look to the best of all possible securities, by giving to the Catholics their just and proper rights; they would, he hoped, look to the true safety and the real defence of the country, by giving that numerous body privileges to defend; they would, he hoped, render the country more dear to that numerous, and loyal, and respectable class, by giving them an interest in the constitution.

He confessed he was astonished, that persons should suspect that the loyalty of the Catholic, which, under privation, was tried, and was not found wanting, would, if his claims were conceded, be immediately extinguished. This was contrary to every principle of human action. Could it be imagined that they would willingly fight for restrictions, but that, by some extraordinary fatality, they would marshal themselves against their newly recovered rights and privileges?

But, it was observed by the petitioners against the Catholics, that they had every right which did not grant political power. The answer to this was clearly and explicitly given by his hon. friend (Mr. Plunket) on a former evening. "You gave political power before you gave the elective franchise; because, when you granted the right to acquire property, you gave that, which, in its nature, must produce power." And he saw no more danger in permitting a Catholic to sit in that House, than in permitting the nominee of a Catholic calling himself a Protestant. A statement had been made on a former evening, by the hon. member for Corfe Castle (Mr. Bankes) that a paper, which he read, was a protest of the present Pope against the full toleration, in religious matters, granted by Buonaparté.—The right hon. baronet said he had taken the trouble of inquiring, of those who were intimately acquainted with subjects of this description, whether that paper was authentic or not? If it were a fabricated paper, he meant not to charge any part of that forgery either on the hon. gentleman who first introduced it, or on another hon. member, who adverted to it in the course of his speech; but he did protest most solemnly, that every gentleman to whom he applied on the subject, some of them deeply versed in Roman Catholic affairs, denied all knowledge of such a paper. He did not mean to assert, positively, that the paper did not exist; but, undoubtedly, when those who would, necessarily, be interested in it, and who had every means of inquiring into the foundation on which it rested—when such persons had not been able to find any vestige of its existence, it must, at least, be looked upon as a very doubtful document. Besides it should be recollected, that they lived in the era of fabrication! They could not forget, that a notable fabrication of the Third Part of the "Statement of the Penal Laws affecting the Catholics" had been disseminated through these islands—and, more even than that, persons who doubted its authenticity were threatened with prosecutions for expressing their sentiments. This fact had been stated, a few evenings since, by a right hon. gentleman (Mr. Huskisson), who informed them that a printer, in Chichester, who expressed his opinion of that fabricated work, was threatened with a prosecution for his temerity. But what seemed to him extremely ridiculous, they were told that this fabricated part was so clumsy a production, as ought not to have deceived any person; and yet they were informed, in the very same breath, that it had produced all the effect which was hoped and expected from it; and had not only deceived individuals, but whole bodies of men. But what was still more remarkable, the editor of one of our Reviews, a person, who doubtless would feel very much offended, if it were supposed that he could be taken in by a clumsy and ridiculous publication, had absolutely reviewed this Third Part, as if it really came from the Roman Catholics of Ireland. Now, whether it was clumsy or not, it certainly had the effect, which those who framed it had in view; and, so far, its matter or manner did not defeat the end of its author.

He was extremely loth to enter into any controversial discussion of what had passed in former periods in Ireland. It was much better to draw the veil of oblivion over such proceedings. He should, therefore, follow the precept of a right hon. baronet, (sir J. Stewart), and avoid the subject. That right hon. baronet, however, though he had laid down the precept, did not think proper to follow it. And he must say, that, in defending the

conduct of the Orange-men in Ireland, he could by no means agree with him. Nor did he think that the government had a right to extend their countenance and protection to bodies of men bound together by such an oath—which he thought no less inimical to the peace and happiness of the community, than the oath of the United Irishman. Whether it was qualified in one way or in another, such factions were equally dangerous to the constitution. No set of men ought be tolerated, who took an oath restricting their allegiance, or guarding it by conditions.

For many centuries Ireland had been a victim to the want of an extension of the English law beyond the English pale. This barrier was at length thrown down, and British law was extended to the people of Ireland. Sir John Davis had stated what beneficial effects were produced by that extension. He would now implore the House to throw down this second subsisting pale, which excluded from the constitution so many of the inhabitants of Ireland. And he was convinced that consequences would result from the measure, no less excellent than those which had proceeded from the original extension of English law to the Irish people.

In proceeding to the decision of this important question, he hoped parliament would not consider it with a view to the narrow objections of this or that body of men, but that they would legislate for the community at large, with a due regard to its interests, and an extended and liberal feeling for the concord and harmony of the empire. The Catholic petitioners claimed the full benefit of the constitution; they prayed to be admitted to a community of privileges, as they gladly shared in a community of danger; and, he trusted, the legislature would answer them in the words of the Great Charter—that charter obtained by the joint exertions of their Catholic ancestors—"Nulli vendemus, nulli negabimus, nulli differemus Justitiam."

Mr. *Wellesley Pole* rose and said:

Sir; considering the turn which this debate has taken, and the situation which I had lately the honour of holding in the government of Ireland, I do not think it would be becoming in me if I were not to explain distinctly my reasons for the vote which I shall give upon this question, a question in which the tranquillity and the permanent interests of Ireland are so deeply concerned. The House, Sir, appears to me to be placed in a most extraordinary predicament. We are now in the third night of a debate upon a motion similar to that which was at the close of the last session agreed to by a large majority. The great Catholic question underwent, last year, three solemn discussions, and in the interval between the first and the last of those discussions, circumstances had occurred which induced the House to determine, as I have already said, by a large majority, that it would, at an early period of the present session, take the Catholic claims into consideration, with a view to a final and conciliatory adjustment. Sir, had it not been for the dissolution of parliament, (a measure, I believe, totally unexpected at the time the House came to the Resolution to which I have alluded), I apprehend we should not now be called upon to discuss this question: we should, as a matter of course, have gone into a committee upon the Catholic claims. I am by no means disposed to contend that the present parliament is, in any respect, bound by the Resolution passed, and the opinion expressed by the last; but, at the same time, every man must feel that that Resolution is entitled to great weight, from the effect which it must necessarily have produced throughout the whole empire, but more especially in that part of it which was more immediately affected by it—I mean Ireland.

Sir; it is indeed impossible that we can now enter into the consideration of this subject, without bearing in mind the effect that must have been produced, and the expectations that must naturally have been raised in Ireland by the Resolution finally adopted by the House last year, after so many discussions. It is, however, the duty of the House to take into its most serious consideration the precise state of this most important question, and to ascertain what are now the feelings of the people of Ireland with regard to the claims of the Roman Catholics. In entering upon this subject, it is necessary that we should recollect all that has passed between the government of Ireland and the Catholic committee during the last two years. The situation in which the question at present stands, arises, in a great degree, out of those transactions. During the course of those events, in which from my official situation, I necessarily

took a very prominent part, I did repeatedly and distinctly complain of the misrepresentations which were industriously circulated with respect to the measures which were pursued by the Irish government towards what I called then, and what I still must call, the Catholic convention (for a complete convention it was, representing the three estates of the Catholics). It was said, that the object of that government was not to preserve tranquillity and to enforce due obedience to the laws, but to prevent the Catholics from petitioning; this, as I have on former occasions, I now again most solemnly deny. Sir, the government of Ireland at that period had no wish to prevent the Roman Catholics from exercising their right of petitioning, provided they did it in a legal manner: there was no disposition to interfere with the Catholics, if they did not violate the law, as the law was explained by the law officers of the crown, both in Great Britain and Ireland. The steps that were taken were such as the government would have adopted with regard to any other class of his Majesty's subjects, under similar circumstances, excepting that they would have acted more promptly with others than they did with the Catholics, the peculiarity of whose situation was considered as demanding some indulgence. It was therefore, I repeat it, a gross misrepresentation of the conduct of the Irish government to say that they made any attempt, or entertained any wish to stifle the Catholic voice, or to prevent the Catholic body from petitioning. Those clamours, however, as they were not founded in truth, have subsided; but it cannot be denied, that the conduct of the government, whether right or wrong, did create a great ferment, and did lead to most important results. One of the first results which it produced was, the suppression of the Catholic committee. It is now no more. It is true that from that committee has arisen the Catholic board; but this board differs most essentially from the committee; it differs in the numbers of which it is constituted; in some degree in the tone which it has assumed; and it does not menace the country with the dangers which were to be apprehended from the continual sittings of a convention. This, therefore, I consider as a most fortunate result which has been produced by the measures to which I have alluded. Another result has been—the Roman Catholics assembling in every part of the kingdom in a legal way to express their sentiments, and to state their grievances. An opinion prevailed, that it was only the higher classes of the Roman Catholics, who were anxious for emancipation, and that the lower orders were perfectly indifferent about it. The fallacy of that opinion has been made apparent from those meetings, for by their resolutions it has become obvious, that all ranks of the Roman Catholics, from the highest to the lowest, are equally desirous of obtaining what they term emancipation. But, Sir, these were not the only consequences; the Protestants of Ireland finding that the Catholics were awakened to their own interests throughout every corner of the island, became disposed to consider the subject more deeply and more seriously than they had done before, and the consequence has been, that many of them, who before were of opinion that the application of the Catholics for the removal of disabilities was a mere stalking horse for seditious purposes, begun to see the question in a very different point of view.

I am not alluding, Sir, to the county of Fermanagh, or others where the Protestant inhabitants had made up their minds, that under no circumstances would it be proper to grant any further concessions to the Catholics; but I allude to the county which I have the honour to represent, and many others in which I know that some time ago Catholic emancipation was considered merely as a watch word for those who wished to disturb the public tranquillity. But what is the language which they now hold? Do they ask you not to comply with the wishes of the Catholics? No! all they ask of you is to take care that in what you do grant, the established constitution in church and state is not injured.

Sir, I am ready to admit that in some of the petitions of the Catholics some strange and intemperate language has been used: I regret it very much, and have as much reason personally as any man to object to it. I wish different language had been adopted, but the intemperance of some ought not to be visited upon the moderate and the innocent, and it ought to be recollected that it is natural for men who think that they are debarred of their rights, and that they are pushed to an extremity, to express themselves with warmth and even with intemperance. But, however blameable the language of some of the Catholics may have been, still this

consequence has ensued from their repeated and numerous meetings: they have had an opportunity of speaking their sentiments, and the opinion of the whole of that body is now perfectly well known. Sir, it is impossible for a moment to entertain a doubt but that the Resolution which the House of Commons came to at the close of the last session of parliament must have excited the hopes and expectations of the Roman Catholics to a very considerable degree, and their disappointment will be great indeed, if they find that you not only will not grant what they ask, but that you will not even go into a committee to consider of their claims. After twelve years struggling to obtain the support of a cabinet, united against them, they at last found a cabinet divided upon the subject, and also a material change in the disposition of parliament. What was the consequence? Why, that numbers of the Protestants of Ireland, as I have already stated, changed their opinion also, and consented to the grant of the Catholic claims under securities sufficient to protect the establishments. The first time that the Catholic question was brought before this House last year, my noble friend (lord Castlereagh) stated, that the cabinet were then unanimous in their opinion that under the existing circumstances the claims of the Catholics could not be complied with, and upon that occasion the majority of parliament were with ministers. But what was the case when towards the close of the session my right hon. friend near me (Mr. Canning) brought forward and carried his motion? The circumstances of the times had then materially changed, partly owing to a melancholy event which I, in common with every man who hears me, most sincerely deplored, an event which deprived the country of the services of a minister whose memory will be ever dear to me, and to every honest man in the country; and partly owing to other causes which it is now unnecessary for me to recapitulate. My noble friend himself (lord Castlereagh) had changed his opinion, and it was then announced that the question was not to be considered as a cabinet question. I think it a matter of great regret that this question is not to be brought forward as a cabinet measure. After the Resolution of last session, and after the interval of the whole summer, it is, I say, most unfortunate that ministers are not prepared to take up this most important question as a cabinet measure, that they are not ready to submit some plan to the legislature for its consideration. In what a strange situation, Sir, are we placed, upon a question on which depends the present tranquillity and future welfare of a considerable portion of the empire. We have the Catholics of Ireland unanimous, we have a great proportion of the Protestants of Ireland for the question, and we have a cabinet divided and not prepared to submit any measure to parliament upon it! I know it has been said that the majority of the Protestants in Ireland are unfavourable to the Catholic claims, but I must beg leave to doubt the correctness of that assertion. The change in the sentiments of the Protestants of Ireland has been remarkable: I know that in many counties where, a few years ago, the Protestants were decidedly hostile to the Catholic claims, such has been the progress of opinion that they have now almost unanimously concurred in the sentiments expressed in the Petitions on the table, which do not object to admitting Catholics to the benefits of the constitution under such guards as the wisdom of parliament may think necessary for the security of the establishments. It is true, that there are many petitions from Protestants in Ireland decidedly hostile to the Catholics. I am far from suspecting or insinuating that the government of Ireland have interposed, or used any means to procure those petitions. I know that my noble friend the Lord Lieutenant would scorn to have recourse to such a measure. As for his advisers, the right hon. gentleman who succeeded me in one of my offices, I mean my right hon. friend the Chancellor of the Irish Exchequer (Mr. William Fitzgerald), he, of course, would not encourage petitions of that kind; he has expressed himself decidedly in favour of the measure against which they are presented. As to the other right hon. gentleman (Mr. Peel) who succeeded me (my other half as I may call him,) he, indeed, is hostile to the Catholic claims. His residence in Ireland during the summer has, I suppose, convinced him of the danger of making any concession, while his right hon. colleague who was born in the country, has always lived in it, and is deeply connected with it, not only sees no danger in complying with the wishes of the Catholics, but thinks that great mischief will ensue if they are not complied with. The right hon. gentleman (Mr. Peel) thinks, that

to grant a silk gown to a Catholic, or to permit one to command a company in England as he does in Ireland, would be big with peril to the state. Such are the discoveries he has made during his short residence in Ireland. But, Sir, these clashing opinions only prove the necessity of going into a committee in order that the validity of each may be fully canvassed.

Sir, I am not aware that any reason exists now for not going into the committee which did not exist last year, when this House determined by so large a majority that they would go into a committee; I am sure, as far as Ireland is concerned, no such reason exists. Sir, it must have been obvious to any man who has paid any attention to the events which have occurred within the last few years, and who possessed any knowledge of the state of Ireland, that things could not remain in the state in which they were. I cannot conceive it possible for a man of common observation to entertain such an opinion. I am sure no man in Ireland thinks so, whatever his opinion may be with respect to the granting or refusing the claims of the Catholics. There are, I have no doubt, many respectable, sensible, and well disposed Protestants in Ireland—respectable in rank and talents, who not only think that no further concessions should be made to the Catholics, but who are of opinion, that it would be highly beneficial to the state to renew some of the penal laws. A learned gentleman who generally sits under the gallery (Dr. Duigenan) I believe entertains that opinion, and, if I am not very much mistaken, the Orange societies in general in Ireland think that the legislature has already gone much too far in its concessions to the Catholics. I say then, Sir, that all parties are agreed that it is not possible things can remain in their present state, either you must re-enact the penal statutes, or you must admit the Catholics to the benefits of the constitution—no man can believe that the question can, or will, remain stationary. The progress of the Catholics (as was observed the other night by the learned gentleman opposite, Mr. Plunket, in a speech which was so much and so justly admired) in wealth and knowledge since the Union, has been most rapid, and they are now in a state in which it is, I maintain, impossible that they should continue. Why then, Sir, if it is the opinion of all parties that things cannot remain as they are at present, surely the natural and obvious course for us to pursue is to go into a committee in which we may examine fully what course we ought to pursue, and what measures are best calculated to promote the tranquillity of the empire. When the Union was in agitation I disapproved of the measure, but I am now willing to acknowledge that it has been productive of great benefits to Ireland; it has contributed greatly to increase the wealth and the knowledge of that country, and particularly of its Roman Catholic inhabitants. One of the natural effects of the Union was, by the removal of the Protestant parliament to create a great number of absentees; many Protestants of rank and property have discontinued their residence in Ireland in consequence of that measure, but the spirit and industry of the Catholics had impelled them forward to fill up the vacuum which was thus occasioned. Their wealth and their knowledge has of course increased, and is in a rapidly progressive state; is it then, I again ask, natural to suppose that they will be content to remain, or that it will be possible to keep them in their present state. You must, then, either advance or recede; stand still you cannot. You must either have a re-enactment of the penal laws and a rebellion in Ireland, or you must seriously take the claims of the Roman Catholics into consideration with a view to final and conciliatory adjustment.

Sir; I am decidedly of opinion that we ought to go into this committee. I do not deny that the subject is attended with many and with formidable difficulties, but I think they may be overcome if we set about the task with zeal and sincerity. It is with this feeling, Sir, that I would go into this committee; I would go into it with a spirit of conciliation and universal good will; no man who consents to go into the committee will be pledged to any specific concession, or to any concession which, upon due consideration, he may conceive to be inconsistent with the security of the establishment in church and state. I therefore approve of the plan which my right hon. friend (Mr. Grattan) has proposed to pursue. If the committee should approve of his Resolutions, I am aware that it will require all his knowledge, all his temper, all his ability, all his perseverance, all his authority, to frame his Bill so as to meet the wishes and expectations of all parties. I acknowledge the task to be

difficult, but I do not despair of seeing it accomplished. I agree with the right hon. the Chancellor of the Exchequer for Ireland, that it is the duty of parliament to legislate, not to negociate, but when I express my concurrence with that general proposition, I beg I may not be supposed to mean that my right hon. friend, in framing his Bill, is not to have the benefit of consulting with those persons who have been delegated by the Catholics to support their claims, or indeed of consulting with all persons from whom valuable information can be derived. Having obtained that information, it will then become onr duty to legislate, and I hope we shall legislate in such a manner as will set this question at rest for ever. I listened with peculiar pleasure to what fell from the learned gentleman (Mr. Plunket) on the subject of securities; because I am sure it will be attended with the most beneficial effects in Ireland. I hail it as a signal to the Catholics that no Protestant, however favourable to their claims, will consent to their being granted without sufficient security being given for the preservation of the establishments.

I have, now, Sir, stated my reasons for wishing to go into this Committee; I cannot see any bad consequence, that can result from it, but I foresee many that may ensue, if we reject this motion and refuse even to examine the subject. If, Sir, the House should unfortunately refuse to accede to this motion, let me beg of gentlemen to consider what will be the state of Ireland, with the two chief advisers of the Lord Lieutenant, entertaining directly opposite sentiments upon this vital question. The Chancellor of the Exchequer for Ireland has made a very animated speech in favour of the motion; he says, that the people will not be satisfied, that tranquillity will not be established, that the country will not be safe, unless the claims of the Roman Catholics are complied with. The other right hon. gentleman, the Chief Secretary, is of opinion that nothing can be more dangerous to the state, than to listen to their petitions. He seems to think that the most effectual way of making the people quiet and happy, is to clap on a perpetual blister, to draw the bad humours of the country together, and keep them in a state of continual irritation. Let us suppose for a moment, Sir, that the opinion of that part of the cabinet which opposes this motion should prevail. That this motion should be rejected, and that after the return of those two right hon. gentlemen to the discharge of their official duties in Ireland, a disturbance should break out in some part of that country—Tipperary for instance, and that a deputation should be sent up to Dublin to communicate with government upon the subject. Well, Sir, we will suppose the deputation arrived at the castle of Dublin, and ushered into the presence of the Chancellor of the Exchequer. They communicate to him the cause of their visit, he receives them with great civility,—but he of course must say, "I am very much concerned to hear that there are disturbances in Tipperary; I foresaw all this, I told the government, I told parliament what would be the consequence if they would not consider the claims of the Catholics, but they would not listen to me—you had better go to the Chief Secretary and consult him; he was one of those whose advice has brought all this about." Well, away go the deputies two or three steps higher to wait upon my other half, the Chief Secretary, who upon hearing their story will exclaim, "Why, you really astonish me, what can the Catholics want? I thought every thing had been settled by the last special commission, but we must consult the Attorney General upon this business." The Attorney General is immediately sent for, but being out of the way the Solicitor General comes to the Castle, and the case is stated to him. My friend Mr. Bushe expresses his concern at the intelligence, but adds,—"You may remember I told you twelve months ago what would happen, if you did not change your system, why do you send to me? you had better consult Mr. Saurin, the Attorney General, upon this business; he is a man after your own heart."

Such, Sir, will be the distracted state of the councils; such will be the situation of Ireland, if the claims of the Catholics are not considered. I really feel for the situation of those right hon. gentlemen, I feel for the situation of the Chancellor of the Exchequer; and I equally feel for that of my other half, the Chief Secretary. When those right hon. gentlemen succeeded me in office, they found a system of reform in progress in almost every branch of the public service. It is well known that when any plans of that kind are attempted, innumerable obstacles are immediately thrown in the way, and the greatest perseverance and closest atten-

tion are necessary to ensure their success, but how can the attention of the government be bestowed upon such points when the chief members of it are at variance, upon the most important subject, which can claim their consideration.—Sir, there is a very great difference between the present period and the time when I was in office.—(Here there was great cheering from Mr. Ryder, Mr. Peel and Mr. Fitzgerald.) When the right hon. gentlemen have done cheering, I will explain what I mean. When I filled the offices alluded to, the cabinet were unanimously of opinion that it was not a proper time to bring forward the Catholic claims—and the government of Ireland acted under that opinion. Since that period, however, my noble friend (Castlereagh) has changed his; but, at the time, which I speak of, that noble lord was of the same opinion as myself, and of the same opinion as the cabinet, by whose directions I acted. But is he now acting with that cabinet? Is the right hon. gentleman, the Chief Secretary, acting under a cabinet agreed in opinion, or acting upon a settled principle? The case is as different as light from darkness; and I am very glad at the manner in which I have been cheered, as it has given me an opportunity of making this explanation. Reverting, then, to what I have before said, I cannot conceive a more dangerous nor a more unpleasant situation than that in which the government of Ireland will be placed, if the House should not go into the committee. If they do go into the committee, perhaps the right hon. Secretary might have his opinions changed in the progress of it. I think it right, however, as by the gestures and cheers of the right hon. gentlemen they seem inclined to charge me with inconsistency, to state that, when I was in office, my opinion was, that things could not continue as they were; this opinion I expressed to my right hon. friend on the treasury bench (Mr. Ryder), in a memorandum containing the grounds of it, and intreating the cabinet to take the matter into their most serious consideration. I did not presume to point out what should be done, but I most strongly pressed the necessity of not allowing this important question to remain in its present anomalous condition; and if my right hon. friend will take the trouble to examine his official papers, he will find the record, and perceive that I am not quite so inconsistent as the right hon. gentlemen at present seem to think. I did not indeed press my sentiments arrogantly, but I stated them frankly. Things are now, however, much changed from what they were then, and, if I needed proof of that change, I would only refer to the noble lord's opinions, as expressed at the close of the last session of the last parliament, when my right hon. friend moved the Resolution, now intended to be made the basis of the committee. I have thus undisguisedly, and to the best of my abilities, given my sentiments, and I shall only add, that, if the committee is adopted, I shall willingly devote my time to promote the objects in view, and give every aid in my power to produce a measure which may combine security to the Protestant establishment, with conciliation and concession to the Catholic body.

Mr. *William Fitzgerald,* in explanation. Sir, if the right hon. gentleman supposes that I am averse to any communication with the Catholic body, he must have adopted such a notion from some very vague and indistinct report of the speech, which I delivered in the course of the present debate, which I am satisfied he could not have heard. Far from entertaining the opinion imputed to me, I conceive that constant, confidential, and affectionate communication with the Catholics is necessary to promote a beneficial adjustment of the present question. The right hon. gentleman reasons, not from what I have said, but from what I have not said, by the cheer which drew forth some of the right hon. gentleman's remarks. I do not mean to impute to him any dereliction of principles; but I cannot help now saying, that, however great the dissonance of opinion between me and my right hon. colleague, upon which he (Mr. Pole) has observed so freely, it is perfect concord, when compared to the manner in which the right hon. gentleman differs from himself.

Mr. Secretary *Peel.*—Sir; the speech which the right hon. gentleman has just delivered, is the most extraordinary one which I ever heard. Sir, I defy the right honourable gentleman to reconcile the opinions, which he has just expressed, upon the Catholic claims, with those which, from his own avowal, at a former period, he was supposed to entertain.

Sir, the right hon. gentleman is surprised that those who have succeeded him in office, and whom he is pleased to call

his halves, should differ so much from each other upon this subject; but greatly as my right hon. friend (Mr. Fitzgerald) and I may differ upon it, we are not more at variance with each other than the right hon. gentleman is with himself. I suspect that we are more apt representatives of the right hon. gentleman than he seems to be aware of, and that not only have I succeeded the right honourable gentleman in one of his official capacities, as my right hon. friend has succeeded him in the other, but the different opinions, which the right hon. gentleman has expressed at different periods, have been also divided between us; those which the right hon. gentleman held, when in office, having fallen to my share, and those, which he has since espoused, to the share of my right hon. friend. In personal unity we cannot represent him, but in discordance of sentiment we are competent to the task.

Sir, the right hon. gentleman says, that we are not to judge of his political opinions by his conduct when in office; that, at that time, the cabinet was united, and that he was in a subordinate capacity; not acting upon his own judgment, but executing the commands of others; he adds, too, that documents would be found, if the offices were ransacked, which would prove that the opinions which he now expresses, could be reconciled with those which he then held. Sir, if this be so, and if the right hon. gentleman did differ from those with whom he was acting, what forbearance has he shewn in this House! He was taunted with arrogating to himself the whole of the government of Ireland; the official acts of that government were imputed, by some of his adversaries, to his impetuosity and indiscretion, yet he submitted with cheerfulness to every imputation of bigotry and intolerance, and not a word escaped him, from which it could be inferred that there was not the most cordial concurrence of sentiment, on every branch of the Catholic question, between himself and the other members of the government. I may admire the right hon. gentlemen for their example of forbearance and discretion, but I cannot help thinking that it would have been better for him, if he did differ with those whose instructions he was called upon to execute, to have resigned his office, rather than have sacrificed his opinions.

Sir, I was desirous, I own, of following the right hon. baronet (sir J. Newport) in the debate, but yielded precedence to the right hon. gentleman, because, from the former expression of his opinions, on this subject, I concluded that he rose to answer the right hon. baronet. Sir, I find myself mistaken, and, with regard to the right hon. gentleman's own speech, I confess my inability to answer it, but will refer him, for an answer, to a speech of the right hon. gentleman himself.

Unless I am much mistaken, Sir, there was a speech of the right hon. gentleman, delivered last session of parliament, in which he stated, that he had hitherto declined delivering his opinion upon the Catholic claims, as distinct from the conduct of the Catholic committee; but, being called upon, he had no difficulty in confessing, that he did not see the possibility of extending, to the Catholics, the privileges, which their Protestant brethren enjoyed, with safety to the establishment in church and state. To clear himself, however, from any charge of inconsistency, even in the mind of those who remember his former declarations, the right hon. gentleman says, that the present circumstances are very different from those, under which the question had been discussed at former periods. The right hon. gentleman seems to attribute this change to the measures of the Irish government, at the period when he was one of its members, and he says, that, from those measures, alluding to the proceedings against the Catholic convention, three important consequences have resulted, all of which call for a different line of conduct, in the House, at the present period, towards the Catholics of Ireland.

In the first place he says, that the Catholic committee is dissolved.

In the second, that the Catholic body has come generally forward, and has unanimously preferred their petitions to the legislature, for relief from their present disabilities. And,

Thirdly, The Protestants of Ireland have also expressed their sentiments in favour of qualified concessions to the Catholics, and have presented petitions, to that effect, from most of the counties in Ireland.

Sir, I cannot but think that the right hon. gentleman has been rather unfortunate in his deduction of these consequences, from the causes to which he attributes them. In the first place, says the right honourable gentleman, the Catholic committee is dissolved; and, literally speaking, he is correct;—but surely the

right hon. gentleman must know, that, though the committee is dissolved, yet every individual member who composed it, was re-appointed by an aggregate meeting of the Catholics, to act on the part of that body, and that they are now pursuing, precisely, the same course, in their new capacity, which they did in their old. The Catholic committee, when a decision in a court of justice had proved its illegality, was undoubtedly changed in its name, and in its form of appointment, and it now skulks behind the law, which its former constitution had violated; but I cannot think that the right hon. gentleman will persist in arguing that this necessary deference to the sentence of a court of law, on the part of the Catholic committee, materially changes the nature of the petition, which is preferred under the auspices of the Catholic board. The second effect of those measures of the Irish government, in which the right hon. gentleman bore a prominent part, and which measures had my warmest approbation, has been, according to the right hon gentleman, to call forth, from the Catholics, a general expression of their sentiments, and an unanimous application for further privileges. Why, Sir, I never heard, that, at former periods, even preceding the dissolution of the Catholic convention, there was any doubt as to the wish of the Catholics, on this subject, or that the expression of their feelings had been at all partial or equivocal. But the third result is, of all, the most extraordinary.

The Protestants, says the right hon. gentleman, have come forward in the different counties, and have presented to the legislature, Petitions, which the right hon. gentleman is pleased to designate, with the exception of one or two, as favourable to the claims, or at least to the discussion of the claims, of the Catholics.

Does the right hon. gentleman really consider these Petitions to have been presented, in consequence of the conduct of the Irish government in dispersing the Catholic committee, or does he mean to argue, that that body having been dissolved, the Protestants are satisfied, that all jealousies are allayed, and that the claims of the Catholics may now be acceded to, without objection on the part of the Protestants of Ireland. Surely, Sir, the right hon. gentleman must recollect that it is now two years since he addressed his circular letter, pointing out the illegality of delegation, and expressing the determination of the Irish government to visit any meetings, held for that purpose, with the penalties of the law. The right hon. gentleman must recollect that it is considerably more than a year since the Catholic committee dissolved itself, and the Catholic Board was appointed in its room; but that it is only within the last three or four months that the Petitions from the Protestants of Ireland, to which the right hon. gentleman refers, have been resolved upon in the respective counties. Those Petitions, in which the sentiments of the Protestants are expressed, with a moderation which does them the highest credit, but which Petitions I consider to be decidedly against the concessions which are now demanded by the Catholics, arose not out of the conduct of the Irish government, not out of the dispersion of the Catholic convention, but have been called forth by the Resolution, to which the House of Commons came, in the last session of parliament, and by the just apprehensions which the Protestants of Ireland feel for the security of their establishment, were those privileges granted to the Catholics, with which alone they profess themselves to be satisfied; if these be the grounds on which the right hon. gentleman defends himself from the charge of inconsistency, I fear that, on examination, he will not find them tenable.

There is, however, one point in which the right hon. gentleman is right; he is right in supposing that my sentiments are directly adverse to the present motion. I should be reluctant to trouble the House with the expression of them, if I did not think, with my right hon. friend the Chancellor of the Irish Exchequer, that, considering the situations in which we stand, a silent vote, on a question so materially affecting the interests of that country, with which we are officially connected, might be thought unbecoming. I do assure my right hon. friend that it is with real regret that I find myself compelled to avow opinions, so much at variance with those which he has so well expressed, a regret, however, which is small, indeed, when compared with that which I should feel, did I think it possible that our difference on this point, important as it is, could affect our concurrence in other political subjects, or could, in the least, tend to weaken that personal regard and confidence which has ever subsisted between us.

Sir, I must first express some little sur-

prise at an argument of my right hon. friend, that every gentleman who voted for the Resolution of the right hon. gentleman (Mr. Canning) in the last session of parliament, is bound, by consistency, to vote for the propositions, which the right hon. gentleman has now submitted. Sir, I own that I should consider myself bound by no such obligation; that, had I had the misfortune to have voted with the right hon. gentleman last year, I should have been most anxious to follow the hon. gentleman (Mr. Bankes), and declare my determination of opposing the motion of the right hon gentleman. I cannot see a pretence for imputing inconsistency to such a line of conduct. The pledge, which the House gave in the last session of parliament, was not simply that it would consider the Catholic claims; but that it would consider them, with the view, and for the purpose of attaining three distinct objects. There was an implied condition attached to that pledge; first, that the adjustment of the Catholic claims should be final and conciliatory.

Secondly, that the stability of the church establishment should be effectually provided for. And,

Thirdly, that the arrangement, in all, should be one tending to promote concord and satisfaction among all classes of his Majesty's subjects.—Sir, is it probable that, by the discussion of this question now, any one of these objects will be attained? Is it likely that the adjustment will be a final one? If it is an adjustment which will satisfy the Catholics, will it be one, which will secure your church establishment from danger? But, above all, is there the remotest prospect that any arrangement of a final nature can now be made, which the Protestant subjects of the empire can hail with satisfaction? To prove that all classes of his Majesty's subjects will not be satisfied with an arrangement, of which adequate securities for your church establishment shall form a part, I will beg leave to read an extract from the resolutions of one class of his Majesty's subjects, interested in that arrangement, namely, the Catholics of Ireland. This meeting, a meeting at Kilkenny, resolves,—"That this spirit, we fear, will only be the reproduction, or rather the continuance, of that system by which England has thought proper to govern this country for a series of centuries, viz. a system of division, founded upon wretched and mistaken notions of policy. That the government will most probably affect liberality, and suffer a majority to vote for a consideration of our claims, and that they will at the same time consult their real determination, never to grant us our rights, by making the veto, 'securities and arrangements,' the *sine quâ non* of our emancipation.

"That therefore, lest the government should be supposed to act without a full and entire knowledge of the opinion and feelings of the Catholics, upon that most important subject, and also to put down by anticipation, any such effect as that just now made with equal failure and insidiousness, we feel it our duty thus finally to declare, that we consider the question of veto or arrangement, or securities, to have been set at rest for ever, by the decision of our prelates, and that we should consider the enactment of a law, which should give us emancipation, incorporated with a veto, or arrangements and securities, as a penal law, a law of persecution, and such a law, as when promulgated in Ireland, would be likely not only to add to the agitation and irritation of men's minds, but hazard the safety and salvation of the empire."

Sir, if I were among the wavering friends of the Catholics, I would advise the postponement of this consideration, into which we are required to enter, until the present just jealousies and suspicions of the Protestants might be somewhat allayed. I would give time to the Catholics, to reflect on their past conduct, on the prejudice which their cause has received from the intemperance of some of their advocates, and I would give them the opportunity of gradually receding from those unjust pretensions, which they advanced with precipitation, and which they now insist upon with a vehemence, of which they may yet be wise enough to repent. I would not now ask the House to come to a decision, which, if favourable to the Catholics, will not be likely to promote cordial union between them and their Protestant brethren; if not favourable, will infallibly prejudice future discussions, and will compel us to consider them as appeals to the same tribunal, from its own decision, passed after mature consideration, and after an enquiry entered into, avowedly for the purpose of making a final and conciliatory arrangement.

I cannot understand in what respects the present motion of the right hon. gentleman differs from those, which he has

been in the habit of annually submitting to the House, and against which the House has as frequently decided. One objection, indeed, to his former propositions, the right hon. gentleman has attempted to obviate. He has been desired to produce something specific, and has now obeyed the call, by explaining to us the outline of a Bill, which he has it in contemplation to produce. The specific plan is at length announced to us, and it is simply this, that every distinction, arising from religious tenets, is to be done away; every disability and disqualification to be removed; every avenue to office and to power, with the exception of the throne, is to be unbarred. Two words will describe this specific measure, this is the "simple repeal," according to the modern language of the Catholics, or to borrow a phrase from the right hon. gentleman, this is to "greatly emancipate."

The right hon. gentleman is clear and intelligible as to the extent of his concessions; but the securities and safeguards, which are to accompany them, are enveloped in utter mystery. One security, indeed, the right hon. gentleman is willing to grant us, the exclusion of the Catholics from the throne. I was struck with the air of triumph with which the right hon. gentleman rose, after my right hon. friend (Mr. Yorke) had requested that that part of the Bill of Rights should be read, which enacts that a Protestant alone can succeed to the throne of this realm. See, says the right hon. gentleman, how groundless, how feeble your alarms, why, I will recite, and recognise in my Bill, the principle of that enactment; nay, in the very preamble, you shall find an admission in favour of the established religion, and ample security for the Protestantism of the sovereign.

Sir, we do not want such recitals and recognitions; we want no preamble nor clause in a modern act of parliament to assure us that the Protestant religion is the religion of the state, and that we are absolved from our allegiance to a Catholic sovereign. We do not want to hunt through the statute book, for the laws on which the constitution is founded, nor to be referred, from the Bill of Rights, by a note in the margin, to an act passed in the 53d Geo. 3, c. 5; § 2, commonly called "Mr. Grattan's Act."

But, according to the right hon. gentleman, the Protestants are actuated, in their opposition to the Catholics, by narrow motives of exclusion, or by the bigoted spirit of a sect. I remember the insidious comparison which the right hon. gentleman drew between the petitions of the respective parties. "The Catholics," says the right hon. gentleman, "petition for the ascendancy of the law, the Protestants for the ascendancy of a sect." Of a sect; to what sect do we belong? To the Protestant religion as by law established. To what laws do we adhere? To those, under which this empire has lived and flourished for ages; we are satisfied with them, and let them who ask for the change, be called upon to prove its necessity.

This committee, into which we are requested to enter, is not a committee upon the claims of the Catholics, but a committee to review and revise the British constitution; where the Protestant establishment is to be put on its defence, and to be heard by counsel at the bar.

Sir, in the course of this debate, many compliments have been paid to a right hon. gentleman (Mr. Plunket) but none which the eloquence and abilities which he has displayed in the speech, which he delivered, did not fully justify.

Sir, I concur in the admiration, which has been so generally expressed, of the speech of the right hon. gentleman, but there is one quality, and a rare one, for which I most admire it, I mean for its sincerity. I know, Sir, what popularity the right hon. gentleman might have acquired, had he pursued a different course; the sorry pre-eminence, which he might have attained, had he consented to advocate the cause of unqualified concession. The deputations and processions with which he would have been hailed on his return to Dublin, the addresses he might have received, and the answers he might have returned. He might have shared, with the bishop of Norwich, the honours which were paid to that reverend prelate at the orgies of the Black Abbey of Kilkenny; and he might have heard his name associated with such sentiments and such toasts as these, "Lord Wellington, and may the victories of Irishmen cease to secure their own degradation." "Mr. Cobbett and the free press of England."

Sir, we are told that we are dealing unfairly by the Catholics, in imputing to them, as a body, the line of conduct, which some intemperate agitators amongst them pursue. But, Sir, if they are liable to be implicated and blamed for the conduct of

others, why don't they rescue themselves from the imputation, and protest against the conduct of those, whose proceedings have no other effect than that of prejudicing their cause? Sir, if they want a precedent, they can find it in the year 1791. There was then a period when 68 of the most respectable of the Catholic body, seceded from the party with which they had been united; had the boldness to avow their disapprobation of its proceedings, and in loyal and dutiful, but not degrading terms, preferred to the throne, their petition for relief from heavier restrictions than any to which they are now exposed. In resolutions such as these, which I shall have pleasure in reading, they approached their sovereign:

"That grateful for former concessions, we do not presume to point out the measure or extent to which such repeal should be carried, but leave the same to the wisdom and discretion of the legislature, fully confiding in their liberality and benevolence, that it will be as extensive as the circumstances of the times and the general welfare of the empire shall, in their consideration, render prudent and expedient.

"That firmly attached to our most gracious sovereign, and the constitution of the kingdom, and anxiously desirous to promote tranquillity and subjection to the laws, we will studiously avoid all measures which can either directly or indirectly tend to disturb or impede the same, and will rely on the wisdom and benevolence of the legislature, as the source from which we desire to obtain a further relaxation of the above-mentioned laws."

Amongst the names subscribed to this address, are those of lord Fingal, lord Gormanstown, lord Kenmare, Dr. Troy, sir F. Goold, and others. Sir, I wish most sincerely that the comparison of their present conduct, with that which they then pursued, was more to their advantage.

With regard to the Bill, of which the right hon. gentleman has given us the outline, I hope that the task of exposing its demerits will devolve into abler hands. I cannot, I own, understand the principle, upon which it is founded, nor the reason why the right hon. gentleman, who is disposed to grant so much, should see the necessity of with-holding any thing. The right hon. gentleman proposes to repeal the Test and Corporation Acts, to open the House of Commons and the House of Lords, and every office of every description, to the Catholics; but he has an exception, for which I cannot account, he will exclude them from the throne! I think that many of the arguments, which have been used to prove the impolicy of their exclusion from the other two branches of the legislature, will equally serve to prove the policy of their admission to the throne. Will the right hon. gentleman conclude, that an irresponsible Protestant king will secure us from the danger, which we apprehend, from responsible Catholic advisers? Are there no offices in the state, from which the right hon. gentleman thinks the Catholic ought to be excluded? Will he permit them to fill the office of Chancellor, to judge of the qualifications of clergymen of the Church of England to Protestant benefices? Are we to have a Catholic keeper of the conscience of a Protestant king? Does the right hon. gentleman think that the lord lieutenancy of Ireland, with the disposal of the church patronage of that kingdom, should be open to the Catholic, and the head of the Protestant church be presented by a Catholic viceroy?

I know, Sir, what the answer to this is, that the Catholics are merely eligible to the offices in question; but that the crown may, by the exercise of its own discretion, continue the exclusion from them. Sir, we have no right to throw this insidious task upon the crown; if the Catholics ought to be excluded from any office, let them be excluded by the laws of the land, and not by the acts of an individual, however exalted his station. It will create less discontent and dissatisfaction among the Catholics, to continue their present disqualification, than, at the same time that you admit their qualification, to deny them the benefit they expect from it.

But, Sir, as I before observed, many of the arguments, which have been used in favour of a restricted concession to the Catholic, will almost equally apply to the removal of every restriction whatever. The right hon. gentleman, who presented the petition from the Catholics of England, recommended the prayer of it, by desiring us to consider "Who were the persons to whom we refuse a share in the honours of the country? They are those," said the right hon. gentleman, "whose ancestors were assembled at Runnemede, who procured for you the charter of your liberties; they are those, whose ancestors conquered in the fields of Cressy and of Agincourt." Sir, I admit it, but who led them on to

victory at Cressy and at Agincourt—a Protestant prince? No, a Catholic prince. You ask whether such men are unfit to be trusted with the privileges which they ask for, because they differ from us in religious doctrine; and why not with equal justice, ask whether a prince, like Edward 3, should be incapable of inheriting the crown of these realms, because he professed the Catholic faith? Was that prince, who decreed that his parliament should assemble annually; who prohibited, by the severest penalties, the admission of bulls and rescripts from the Pope; who limited and defined the law of high treason; was he a prince, of whose love for despotic power, or submission to the papal authority, we ought to be jealous? I have little doubt that the time will come, when such arguments will be used, and used successfully, in favour of the admission of a Catholic prince to the throne, if we admit the eligibility of the Catholic, to office and to parliament. Nor do I understand on what grounds it can be argued, that it is more inconsistent with the principles of the constitution, to admit the Catholics to the throne, than to the other branches of the legislature. They were excluded from the latter at an earlier period than from the former. In the reign of queen Elizabeth, they were incapacitated from holding office; in the reign of Charles 2, they were excluded from the House of Commons and the House of Lords; but it was not until the period of the Revolution, that a Catholic was rendered incapable of inheriting the crown and government of these realms. An hon. gentleman (Mr. Smith), seemed disposed to argue, that the king, having been declared at the time of the Restoration, head of the church, it must necessarily be thence inferred, that the profession of the Protestant faith, since that period, has been a necessary qualification for the throne; but if this were the law of the land, after the reign of Henry 8, where was the necessity, in the time of Charles 2, of making the attempt, by a new enactment, and which attempt was defeated, to provide for the exclusion of the Duke of York from the throne, on account of his religious tenets.

Sir, I am not one of those who think that the removal of the present restrictions upon the Catholics, is an object of little concern to them; it is natural that those who embark in the lottery of life should be desirous to have the chance, at least, of attaining the highest prizes; but let the Catholics recollect, that they are not only unwilling to pay the same price for political privileges, which is exacted from the other subjects of his Majesty, but that they have hitherto refused to submit to the same restrictions, which are imposed, with their own consent, and with that of the Pope, upon the Catholics of other countries, wherein the government is not Catholic; and, when gentlemen refer us to the state of the Catholics in Canada, and to their admission to offices in that country, and in Russia; let them recollect, that the cases are not parallel. That, in Canada, the Protestant sovereign of this country has the appointment of the Catholic bishops of Quebec; and that, when the empress Catharine founded the Catholic church of Mohilou, the Pope granted, as a matter of course, his sanction to the appointment of the bishop, nominated by the empress. Let gentlemen recollect, when they charge us with bigotry and intolerance, that the claims, now advanced by the Catholics, are claims, which would have been rejected, without hesitation, at a time when a Catholic prince was upon the throne of these realms, and when Catholics themselves composed its legislature. I am not now enquiring whether the securities, which have been required of the Catholics, are adequate, or not, for the purpose, for which they are proposed; but I contend that, as they are not unreasonable nor unprecedented, and are yet with-held by the Catholics themselves, that they have not the slightest ground to complain of the injustice of their present disqualifications.

Sir, we are told, because we have granted so much, that we cannot, with consistency, withhold that, which we now refuse to concede. That, having given to the Catholics the elective franchise, we have given them substantial political power; and that it is absurd to allow the Catholic to be represented, and yet not allow him to be a representative. I will not now argue, whether the grant of the elective franchise was a wise one or not, but I can see reasons for that concession which in no way apply to the concession of the further privileges, which are now demanded. We have said to the Catholics, you are in possession of property; you shall have the franchise, which property confers; you shall not be taxed without your own consent; you shall exert an influence in the state; but we insist on this qualifi-

cation in your representative, that he shall disavow opinions and tenets, which we conceive to be hostile to the establishment of this country in church and state. And where is the great hardship in this, at least to those who are represented? Does it weaken the exertions of the friends of the Catholics in this House, because they are bound to abjure the Catholic faith? If we admit the Catholics to parliament, shall we find them more eager in their cause, than some of their Protestant friends, at present are? Will the Catholics of Waterford find, in one of their own religious persuasion, a more zealous advocate than the right hon. baronet (sir J. Newport)? Or can the Catholics of Tipperary send to this House a louder champion than the hon. general (Mathew)? and here, Sir, let me thank the hon. general, for the distinguished compliment which he paid to the government, of which I form a part, when he had the goodness to assure the House, that every measure of that government had his unqualified disapprobation.

Sir, there is only one other point to which I will advert. The right hon. gentleman says, that the Catholics have disclaimed all the dangerous tenets which have been imputed to them, and that the answer of the universities, and the oaths which the Catholics take, must satisfy every reasonable mind that there is no danger to the state in their present opinions. Sir, I own, that I require more than the mere disclaimer of such doctrines as these, that the Pope has the power of deposing sovereigns, or that faith is not to be kept with heretics. While the supremacy of any earthly prince is admitted, within these realms, of whatever nature that supremacy may be, spiritual or temporal, it ought to be defined, without the possibility of error or misconception. We know that, at present, it is not so, and Catholic writers have told us that, while the spiritual supremacy of the Pope, unexplained and unlimited as it is, is admitted, no great security must be expected from restrictions on the exercise of his temporal authority. But surely it behoves the Catholic prelates to meet in synod, and to remove the possibility of misconception on this point. They must be aware that there is a great jealousy of the exercise of any foreign authority within these realms. There have been instances, in the history of this country, in which the spiritual supremacy of the Pope has been called in, to countenance proceedings, which might justify an apprehension that the limits of spiritual authority were not sufficiently defined. Without wishing to revive the remembrance of animosities, which no one can more earnestly wish to bury in oblivion, and for the purpose only of proving the interpretation, which the Catholic prelates themselves have given of the terms 'spiritual supremacy,' I will read an extract from a work, which is a continuation of the history of Hume. The author is recording the proceedings of the Catholics in Ireland, before the power of William the third was established in that country; and when we have before us the last instance, in which that body have held paramount political power within the united kingdom, we are informed that "When bishoprics and benefices in the gift of the crown became vacant, the king (James the second) ordered the profits to be lodged in the Exchequer, and suffered the cures to be totally neglected. The revenues were chiefly employed in the maintenance of Romish bishops and priests, who grew so insolent under this indulgence, that in several places they forcibly seized the Protestant churches. When complaint was made of this outrage, the king promised to do justice to the injured, and in some places actually ordered the churches to be restored. But the Popish clergy refused to comply with this order, alleging that, in spirituals, they owed obedience to no earthly power but the holy see; and James found himself unable to protect his Protestant subjects against a powerful body, which he durst not disoblige."*

Now, Sir, the right hon. gentleman says, that we have libelled the faith of the Catholics, and have imputed doctrines to them, which they never held; that the Catholics of the present day may, indeed, agree in matters of faith with the Catholics of former days; but then they disclaim the construction which we put upon the tenets of their ancestors. I should be sorry to put the construction upon those tenets which, in the instance which I have quoted, appears to have been given to one of them by the Catholic prelates themselves, and I have referred to that passage as a proof, that some explanation of the extent to which the spiritual authority of the Pope goes, is absolutely called for. Sir, we are told that we are not to treat

* Smollett's Continuation, vol. 1, c. 1, s. 41.

with, but to legislate for, the Catholics; yet, when the right hon. gentleman is asked what securities he will propose, he answers, that he has not any to propose, and to one he will not consent, viz. to the Veto. But what species of legislation is this? Why is the Veto abandoned? Because the Catholics will not consent to it? And if we abandon it on those grounds, upon what principle can we insist upon domestic nomination, which we have every reason to believe is equally objectionable to the Catholics? There was a time when the Veto was admitted by the Catholic prelates themselves, not to be incompatible with the Catholic religion; they have retracted that admission, but they have not accompanied it with any assurance that domestic nomination is more consistent with it. If you think securities absolutely necessary, and that, without the consent of the Catholic prelates, no effectual security can be obtained, and if these prelates have recently issued a formal declaration that, in the present state of their church, no alteration can take place, at this time, in the mode of their appointment, I should think that every person, excepting those who wish that all privileges should be granted to the Catholics, without any restriction whatever, will see the impossibility of coming to any final and conciliatory adjustment of the Catholic claims at the present moment, and will oppose the motion of the right hon. gentleman.

Mr. *Ward* begun by saying, that he felt himself relieved from any necessity of entering into a detailed refutation of the arguments against emancipation, not only because they had been so often refuted already, but because they had in a great measure lost the hold they once had upon the judgment, and still more upon the feelings of the public.—Indeed, if he were to name the question upon which, so far as his knowledge extended, the progress of opinion in any age or country had been most rapid, most palpable, and most satisfactory, it would undoubtedly be this. If, for instance, we compared the situation in which the Catholics now stand, with that in which they stood only twenty years ago, when in the year 1792 not only was the prayer of their petition rejected by a vast majority of the Irish parliament,—(a parliament comprehending some of those that had since been numbered among its most distinguished advocates,)—but the petition itself was thrown off the table, as if it had been too absurd, and too presumptuous, even to be entertained for a single moment,—we should see good reason for being satisfied with the progress of religious liberty in our times, and for looking with increased confidence to the final prevalence of justice and truth. Indeed, it had long since become clear to all thinking men, that the real question no longer was, whether or not the Catholic Claim should be conceded, but how long it should be delayed. A man must have ill observed the signs of the times, he must be ill acquainted with human nature itself, who, after the change that had taken place in the public opinion upon that subject, within the few last years, could flatter himself, if indeed that was his wish, with the hope of a permanent and successful resistance. It was impossible not to have remarked the unpopularity of the question decreasing year by year, and almost day by day, till in the last parliament, a parliament convoked under circumstances of peculiar irritation as to that question, the principle was solemnly and (Mr. W. hoped) irrevocably adopted by the House. And was the opinion of all the great men that had written and spoken, and acted in favour of emancipation nothing? Was it to be believed that a measure which Mr. Pitt, Mr. Fox, and Mr. Burke not only approved and promoted, but thought essential to the prosperity of the empire, and which was still held to be so by the far greater part of the eminent statesmen that remained to us; a measure so sanctioned by this branch of the legislature should not finally prevail?

On most other political questions, on those, at least, that admit of any discussion at all, any person seriously and honestly trying to form an opinion is dazzled on every side by the splendour of names equally illustrious, and is at last obliged to weigh his authorities, or to rely upon his own judgment for a decision. He finds one opinion in the writings of Mr. Burke, another an opposite one, was entertained by Mr. Fox, and a third comes recommended by the authority of Mr. Pitt. But, on this subject, let him chuse what leader he may, he is inevitably conducted to the same conclusion. Indeed if the question were to be settled by authority, scepticism itself must be confounded by the vast preponderance in one scale. But then, Sir, it is not as authorities that I now appeal to the opinions of these great men,

though that is a most important branch of the argument, but as symptoms of what the public opinion must finally become. Has it not almost universally happened that those opinions, particularly upon matters relative to government and policy, which were at first entertained and promulgated by wise, and great, and good men, however contrary to the received notions, have at length completely prevailed, and been adopted even by that class in which they were at first encountered by the most violent and fanatical opposition. And therefore, Sir, I say that it would not only be an unfortunate, but a strange and preposterous thing, if in this instance the ordinary course were to be inverted, and if after that this opinion had gone on for a series of years diffusing itself gradually according to the usual law, its progress should be checked by some new and unexpected cause, and if this edifice which has already been raised to such a height, should suddenly and as it were by magic influence fall down and crumble away, and if the barbarous and half exploded prejudice of the vulgar were to be reared in triumph upon the ruins of all that has been taught us by our philosophers and our statesmen. Some attempt indeed has been made in the course of this debate to deprive the cause of the ornament and support it derives from one of these great names. An hon. gentleman rose upon a former evening chiefly, as I understood, for the purpose of undeceiving the House as to the opinion of Mr. Pitt. Recollecting the sort of hereditary right which that hon. gentleman has to an accurate acquaintance with the character and sentiments of that illustrious person, I confess that when he first announced the object with which he was about to speak, I felt some uneasiness both for the sake of the man and for the sake of the cause. I was half afraid that the hon. gentleman had some fact to relate, or some document to produce, which would force upon me a conviction that Mr. Pitt was a less sincere advocate for Catholic emancipation than during his life-time he had appeared to the world. The hon. gentleman however soon relieved me from my anxiety, and gave me reason to be ashamed of having even for a moment harboured suspicions so derogatory to the character of Mr. Pitt. He had no new facts whatever to produce, and relied entirely upon an unfounded surmise and a hollow argument for changing the opinion of the House as to the known, public, often declared, often recorded sentiments of a person who was so long its most distinguished member. Mr. Pitt, said the hon. gentleman, had no plan, therefore he was not sincere: the hon. gentleman has evidently forgot, or never knew, the view Mr. Pitt took of the question: Mr. Pitt, though a friend to emancipation, though I am persuaded that if he had lived he would have supported, or himself proposed the motion of this night, was also of opinion that an obstacle to the measure existed in the feelings of the King, which during his Majesty's political life was absolutely insurmountable. I am not now enquiring whether this opinion was well or ill-founded; but right or wrong, it was the opinion of Mr. Pitt. He was favourable to the principle, but thought that the time was not come at which the principle could be carried into effect. Here then is the reason why he had no plan. A plan implies details, and the details of a measure must depend upon the particular state of things at the moment. It would therefore have been useless, nay worse than useless, for Mr. Pitt to have taken the trouble to form a plan which, according to his own notions, ought not to be put in execution till the expiration of an indefinite period, at the end of which it might be found altogether inapplicable to the actual situation of the country, and the actual temper of the people.

But be that as it may, the hon. gentleman must pardon me for saying that I do not think the reason he has himself stated for supposing that Mr. Pitt had no plan is quite satisfactory. It is, that somebody somewhere has said, that Mr Pitt did not communicate any plan to him. Now the value of this conclusion must depend entirely upon the character of the person. If he were Mr. Pitt's most intimate friend, with whom he was in the habit of confidential communication upon all subjects—if, moreover, he were himself favourable to the measure, some probability that Mr. Pitt had no plan would arise from his silence, a probability however completely outweighed by other probabilities, and by positive testimony of various kinds. But if the person were not on the most intimate footing with Mr. Pitt, if he were not the person to whom he habitually disclosed his first and most secret thoughts, if he were a decided enemy to emancipation, if his subtle and scholastic mind teemed with endless objections to every

measure that his interest did not engage him to support, then no inference whatever could be drawn from Mr. Pitt's not having stated to him his plan.

All therefore that the hon. gentleman has said upon this subject appears to me to have been said in vain. His own reason for thinking that Mr. Pitt had no plan is utterly inconclusive; and if upon other grounds we are disposed to admit the fact of his having had none, still less does it follow that he was at bottom hostile to the principle of which he uniformly professed himself a friend. We have then still a right to the great name and authority of Mr. Pitt, and I rejoice at it both for the sake of the person and for the sake of the measure, more perhaps for the sake of the person, than for the sake of the measure. For though it is undoubtedly of importance to the cause, that it should be sustained and adorned by the sanction of Mr. Pitt, in conjunction with that of so many other great men, it is of still greater importance to the memory of Mr. Pitt that he should be universally recognized as the sincere and consistent, not, as some of his friends would persuade us, the canting, hypocritical, paltering advocate of emancipation. But, Sir, it has been said, that whatever may be the opinion of certain eminent persons in the higher orders, the prevailing sentiment of the country, particularly in the middle classes, is by no means favourable to emancipation, and that they regard the progress the principle has already made in parliament with uneasiness and alarm. Sir, I am far from denying that this statement has some foundation in truth. I see with regret that a large and respectable part of the community still labour under delusions which all the powers of reason and discussion have hitherto been unable to dispel, and that in placing the Catholics upon a footing with their Protestant fellow subjects we shall render to the country a service which it is by no means in a state justly to appreciate. But then, Sir, in estimating the value of public opinion either as a guide to our own, or with a view to its ultimate effect upon any great measure, we ought to consider whether it is a growing or a declining opinion, of what materials it is composed, and whether it rests upon a temporary or a permanent foundation. Now it is evident that this opinion or prejudice against the Catholics (call it which you will) is composed of materials which render it impossible that it should last long, or again break out into dangerous activity, and that the opposition and discontent excited by the repeal of these odious absurd laws, will be feeble and transient, whilst the blessings it will diffuse over the whole empire will be great, general, and eternal. This dread of Catholic emancipation, which, I am ready to admit, is too prevalent, is an effect arising from causes that are becoming daily less operative, or that have already in a great measure ceased to exist. It arises, in the first place, from ignorance as to the real state of the Catholics, and the real nature of their claims, an ignorance which has already in a great measure given way to discussion, and which, it cannot be doubted, a few more years will entirely dispel. In the next place, from that to which, I presume, it is no longer irregular to allude, the known opinion of the sovereign. Unfortunately there no longer exists any claim upon his subjects to spare his feelings or to comply with his wishes; but an impulse once given with such force from the highest power in the state, continues to act long after the hand that gave it is withdrawn, and it cannot be doubted that the prejudice existing against the Catholics upon other grounds, is even yet strengthened and confirmed by the authority of a sovereign, who was so long revered as the wise and faithful guardian of the religion and liberty of his people.

And then, Sir, come all those ancient, traditional hereditary feelings, the offspring of times and circumstances so far different from our own, when,—as under queen Mary, whom, from the language of some persons, one would suppose to have been his Majesty's immediate predecessor upon the throne, the Roman Catholic religion, was the religion of persecution and blood; or when, as at a later period, though subdued at home, it was powerful and hostile abroad, the religion under whose banners were marshalled all the enemies to the English name, the engine by which France sought to impose the yoke of a despotic and stipendiary prince upon the neck of a free and rival people. These, Sir, I verily believe, far more than any sound deliberate view of the case, are the causes of public opinion so far as it is unfavourable to the Catholic Claims. But in all this I see nothing stable, nothing permanent, nothing that time, aye, nothing that a very short time, is not certain to remove; nothing that ought to alarm the friends to the measure with the prospect of a long and dangerous resistance.

The very different footing upon which the question is now admitted to stand from that upon which it formerly stood, the altered tone of the enemies to emancipation afford no slight or doubtful indication of what we may expect,—some of the arguments on which they were accustomed most to rely, some of their favourite and most effectual weapons, are now laid aside, and deemed useless, even by those that once wielded them with the greatest vigour and success. What, for instance, is become of that famous argument—or, as, if it had not been deemed a famous argument I should rather call it, that miserable mischievous sophism, about the coronation oath, by which they so long perplexed the consciences of the good people of England, and by which it is said that, unfortunately for himself, and unfortunately for the country, they were enabled to secure to themselves the assistance of the illustrious person to whom that oath was administered? Why, except in a few obscure pamphlets, and low inflammatory hand-bills, we have for a long time past heard nothing of its existence; from the debates of this House, and from the writings and discourse of all reasonable men, it has utterly disappeared. A sense of shame too appears to have deterred men from any longer asserting, that the Roman Catholic religion, the religion of some of the wisest and most pious persons that ever adorned the human race, the religion of allies, whom we trust, and of forefathers whom we revere; the religion of some of the greatest and most respected communities, the religion which by its extent and its duration must characterize Christianity to the rest of the world, the religion of those between whom and every privilege they most eagerly and every object they most ardently desire, we have never sought to interpose any obstacle but their own inviolable regard to honour and to duty, that this religion renders its followers incapable of observing that common faith which binds us together in society. A sense of shame, I say, has deterred men from doctrines like these, and they are content to rely upon arguments, which, though when examined they may be found equally inconclusive, are at least not quite so repugnant to good feeling, to reason, and to experience. In the mean time toleration advances, with sure and rapid steps; every discussion adds new, or confirms the old arguments in its favour, and every day adds converts to a cause which never loses a proselyte it has once gained.

With all these symptoms of a declining cause I would ask gentlemen, whom I must presume to be actuated not by a blind bigoted hostility to a sect or a measure, but by deliberate assignable motives of religion and state policy, why persevere? I can very well understand how in their view of the case it would be desirable to retain the restrictive code, but how to retain it? Not as a thing to be fought for from day to day under a certainty of its final destruction, but as that which I presume, no man now so much as flatters himself that it can ever become a permanent and enduring system of legislation. Or do they think they shall render good service to the state, and advance the interests of the Protestant faith, if at the price of continuing the agitation of the public mind here, and of exasperating the Catholics of Ireland—that is to say Ireland itself, they contrive to purchase a short respite from an inevitable sentence? Do they flatter themselves that they shall promote the happiness of the empire and the cause of true religion, if by again urging all those topics that are most calculated to excite jealousy and irritation, if by exaggerating any errors of which the Catholics may have been guilty in the conduct of a cause so delicate and so trying to their feelings, they are enabled to re-animate the expiring prejudices of the country, and to delay the measure till it shall have lost every thing that it yet retains of grace, favour and conciliation, perhaps to some period of public difficulty and danger, when it would no longer be, as it would even now, a just subject of exultation and joy, but of terror as to its cause; and of doubt as to its result? Or are the blessings that have already arisen from excluding the Catholics from that career of honour and emolument which is open to their fellow subjects, so great and palpable; is the restrictive code so good a thing in itself; does it so recruit our armies, does it so augment our revenues, does it so recommend us to our Roman Catholic allies; does it so secure us against all chance of having our efforts abroad crippled by dissentions at home; is it so material to our success in the war we are waging in conjunction with the only bigoted Catholics in the world, that we shall seek at any price to protract its existence for a few years? But, Sir, this cannot be the case. The advocates for the Anti-Catholic cause are not so weak nor so short sighted. It is for the perma-

nent establishment of their system that they ask, and not for a short delay in its destruction.

And therefore, Sir, it appears to me that this single argument lying in so narrow a compass, and founded upon propositions so evident, is quite conclusive as to the whole question, even to those, who, under different circumstances, would be inclined to oppose the Catholic claim. For, Sir, first I maintain that emancipation cannot be finally and certainly refused; in the next place, that, whatever benefits might be derived from such final and certain refusal, those arising from delay would be slight and precarious; and lastly, that though delay could occasion but little good, it would probably be the source of great and incurable evils. And from this it would follow, even if the measure were far more questionable in its own nature than I can allow, still, that we have reached that point at which it is no longer prudent to resist its progress, and when on the contrary it becomes our duty to shorten, as much as possible, that gloomy, feverish, perilous interval, which always elapses between the time when any claim, whether of civil, or religious liberty, has triumphed in principle and opinion, and that at which it is adopted by the government, and interwoven with the law and constitution of the state.

Sir, I have begun with this argument because it is short, plain, and urgent, arising from the actual state of things and consistent with the greatest variety of opinions, not because I am at all disposed to shrink from the discussion of the question upon its own intrinsic merits, and independently of what may happen to be the disposition of the country at the moment. And therefore I shall now proceed, in as few words as possible, to explain what appears to me to be the true state of this question, and the grounds upon which I shall cordially support the motion of my right hon. friend. And in the first place, though from the natural anxiety of each party to exhibit their own case in the most favourable light, the real truth has not been sufficiently kept in view nor fairly acknowledged, it is quite evident to every person that gives to the subject a fair and dispassionate consideration, that, do what we may, we have only a choice of difficulties. Gentlemen on the one hand have talked of final measures, and settling votes, and of the firm steady conduct of parliament in making a stand upon its present ground and peremptorily refusing all further concession to the Catholics—and on the other hand we have with just as little reason heard emancipation (as it is called) treated as if it were to put an end to all differences and jealousies betwixt Catholic and Protestant, a "panacea" that would cure all wounds, a charm that would bring together the whole empire in perpetual happiness and union.

Now the fact is, that whichever way we turn, we are met, I will not say, by considerable dangers, but by considerable embarrassment and inconvenience. That in the two islands of which this empire is composed, two different, and for a long time hostile religions should be professed, is in itself an evil. It has already been the source of infinite jealousy and discord, to say nothing of greater misfortunes, and it is too much to promise oneself that under any arrangement that can be adopted, it will not interfere with the general harmony and prosperity of the kingdom. If three or four millions of Roman Catholics, or of any other dissenters (supposing them to agree in one kind of dissent) were distributed indifferently over both countries, it is probable that the feelings which as a sect they must entertain, would from time to time occasion some disagreement between them and the orthodox majority, but confined as they are to one island, which in point of population they may fairly call their own, having the "litora litoribus contraria," uniting the national to the sectarian feeling, it is impossible not to anticipate dissentions which nothing but prudence in the government and forbearance in the leaders on both sides can prevent from producing the most serious consequences. Both in a religious and in a political point of view it would be fortunate for the whole empire, if both countries professed the reformed faith; and in a purely political point of view, it would perhaps even be fortunate if they were both Catholic, but as we cannot hope for the one and as we cannot so much as wish for the other, what we have to consider is how we can best accommodate our laws to the actual and probable state of things, and how in a situation of some difficulty we can extricate ourselves with the smallest possible quantity of danger and inconvenience.

The two objects then which in any arrangement that may be proposed to us we ought to keep in view, are, the pros-

perity of the state, and the security of the established religion. I say the *two* objects; though I am by no means ignorant that the question may be argued upon higher grounds. Neither arguments nor authorities are wanting in support of a bolder doctrine; namely, that no apprehensions we may entertain as to the security of what we believe to be the true faith, can justify us in imposing disadvantages of any kind upon persons of another religion. But this is not the point of view in which I shall discuss the subject; because, be this principle true or be it false, I am sure it would neither be a prudent nor a successful way of pleading the Catholic cause; to ask those who, belonging to the established church, of course believe it to be the depositary and the source of doctrines true and salutary to mankind, to legislate upon a matter of this sort with a view to temporals only. In order to satisfy them, and they have a right to be satisfied, it ought to be shewn; not only that emancipation will promote the civil happiness of the country, but that it will not sap the foundation of that which they consider as far more valuable than any accession of prosperity. And therefore, Sir, if having succeeded in establishing one of these points; if having proved ever so clearly that by abolishing the restrictive code we should become more wealthy, and more powerful, we failed in proving the other, and were forced to admit that strength and riches must be purchased at the price of endangering the Protestant religion, I for one should at once admit that we had failed in a most important part of our case, and were by no means in a situation in which we could reasonably call for the support of a Protestant parliament. But, Sir, I flatter myself that we are not placed in this painful and embarrassing dilemma, but that the measures which are necessary to the completion of our political prosperity will leave our religious establishments in a state of undiminished security. And it is by that test I am willing, that what I have to urge in support of the motion should be tried.

It is, I apprehend, unnecessary to enter into any argument in order to shew, that to place any number of men under any civil disabilities, is in itself an evil, and that the evil is great in proportion as the number is large, and the disabilities oppressive. It makes them worse men and worse subjects, it fills them with discontent, and, by narrowing the sphere of their exertions, it makes them incapable of doing that service to the state which they would otherwise be able and willing to render. The burthen of proof undoubtedly lies upon those who desire to continue an order of things which at first sight appears so unfavourable to the happiness and prosperity of the country. They are bound to shew that the evil of offending a whole nation and diminishing its useful activity, is less than that which might fairly be expected to arise from admitting the Catholics to a full participation in all civil rights. What then are the steps by which they proceed in order to establish this proposition? Is the exclusion of the Catholics a deduction from a more general principle; namely, that no persons differing from the church can be admitted into the state, without danger to the establishment? Some of the arguments against the Catholic claims would, I think, go that length if they were pushed to their legitimate consequences. But, Sir, this principle, though I am persuaded it lurks in the minds of many of the enemies to emancipation, cannot be openly avowed except by those who are ready at the same time to avow a wish to see the establishment assume a much more exclusive and persecuting form than that in which it is now invested by law. Dissenters are admitted to the most important of all privileges, that of sitting in parliament. It is true, indeed, that it is only by a sort of connivance and relaxation of the law that they are allowed to hold office. But then the uninterrupted relaxation for seventy years of a law which no man now so much as dreams of enforcing, must be considered as having itself become law, and in any sound and practical view of the subject the Protestant dissenters must be looked upon as standing very nearly upon a footing with their orthodox brethren. Why then, Sir, it is something in the particular kind of dissent, something in the nature of the Romish faith itself, which renders it necessary to exclude the Catholics from dignity and power. They, it seems, acknowledge in a foreign bishop an authority utterly inconsistent with the allegiance they owe to their natural, domestic, legitimate sovereign. "This," we are told, "is an influence not confined to spirituals, but extending, as that influence which directs the consciences of men must necessarily extend, over every office and every relation of life, public and private, they must

be either bad Catholics or bad subjects, they cannot at once serve two masters, their own church and our state, the king and the pope." Now, Sir, I own, it appears to me, speaking however with all possible deference to better judgments, and more extended information than my own, that the method which some of the advocates of the Catholic claim have taken to answer this objection, is neither the easiest to themselves, nor the most satisfactory to others.

They have endeavoured to shew, that the submission to the see of Rome required by the Roman Catholic church, is not of a nature to interfere with the duties which subjects owe to the government of their own country, even where that government is in the hands of those whom they deem heretics.

I apprehend, however, that this is a matter of some doubt, when viewed as a mere point of doctrine. On the one hand stand the exorbitant power, and still more exorbitant pretensions of the Popes in former ages; the authority of certain general councils recognised by their church, and in whose decrees the ecclesiastical power is raised to an enormous height at the expence of the civil magistrates; and the Ordination Oath administered to the Irish clergy, by which they swear to be bound to St. Peter, the Church of Rome, and their lord the Pope, and to persecute heretics—together with several other facts of that class which the enemies to toleration have not failed, at every opportunity, to place in the most striking point of view. On the other hand, we are assured, that these maxims, though promulgated and acted upon by ambitious pontiffs in an ignorant age, were never duly sanctioned by the authority of the Church; and it must be admitted, that the answers of the Catholic Universities to the questions proposed to them by Mr. Pitt in 1788, the declaration of many most respectable individuals of their body, and even the terms of the Irish Oath as altered and explained by the Pope himself in 1791, seem to afford to the state every security that jealousy itself could require.

Between these conflicting testimonies it is perhaps difficult to decide, and, I must own, that so far as the matter now immediately under our consideration is concerned, I am not very anxious for a decision. For, Sir, it appears to me that this question, though, no doubt, very interesting as forming a part of the history of human opinions, has but a very remote connection with the point upon which we are this night called upon to give a vote. It is a curious question, it is an amusing question, it is a learned question—it is a theological, and, if you please, a philosophical, but it can hardly, in this age, be considered as a political question. What we have to consider is not what are the opinions which the Catholics avow, or, to speak more correctly, what are the opinions which the Catholics refuse to disavow, but what are those upon which, looking fairly to all the circumstances of the situation in which emancipation would place them, the wealthy and intelligent part of their community, that part of it with which we shall really have to deal—is likely to act. It is as statesmen, desirous indeed of maintaining an established church—but still as statesmen, not as theologicians, that we are to consider this subject. It is to conduct that we are to look, and to doctrine only so far as it influences conduct. For, Sir, there cannot be a grosser or a more mischievous error, or one that shews a more profound ignorance of human nature, than to judge as to the probable conduct of men, by creeds, and confessions, and articles, by the arguments of doctors, and the decisions of councils, or to imagine that because from pride, or prejudice, or timidity, or superstition, they refuse formally to renounce a principle, they are therefore certain, or even desirous to carry it into effect. These things, no doubt, are to be considered and weighed, but not singly, not solely, not with a pedantic exclusion of that living commentary by which their dry literal meaning is always modified and explained—that commentary which consists in the situation of the country, in the disposition of the people, and in the spirit of the age. This is a commentary to which at all times it is essential to attend, and to which in this instance the text itself is altogether secondary and subordinate.

If there is any fact clearly made out by history and experience it is this—that men are not guided uniformly by the doctrines contained in the books that are considered as the depositaries of their faith. The general operation of this principle, no doubt, is mischievous, but if we suffer under the evil, let us not on that account forget the advantage by which it is to a certain degree compensated. Unfortunately men are neither so pure, nor so just, nor so virtuous, nor so tolerating, as

true religion would make them, but then on the other hand they are neither so cruel, so absurd, so ferocious, nor so persecuting, as they would become by following literally the maxims of bigotry and superstition. The Catholics recognise in the Pope an authority paramount to that of the king—be it so, though they have denied the fact, and though they are ready to deny it again—but how long is it since that authority has been employed in hostility to the government? Their principles teach them to hate an heretical sovereign—be it so, though the Pope whom we accuse them of deeming infallible has made an express declaration to the contrary; but have they not for half a century ranked among his Majesty's most loyal subjects? They must be desirous to destroy our church, and to raise their own upon its ruins. If by that it is merely meant, that they had rather the Catholic religion was the established religion of the country, than the Protestant, no doubt the proposition is true, and *(mutatis mutandis)* it is equally true of every other class of dissenters. But what are the symptoms that should lead any man seriously to believe that the educated and wealthy part of the Catholics—those who in every important transaction must take the lead, are foolish enough, and wicked enough, and desperate enough, to wade through all the discord, misery, and slaughter, which the bare attempt to accomplish such a design must occasion. What, I ask, are the overt acts by which they have shewn this disposition? I do not mean what are the overt acts of the century before the last; but what is the submission to ecclesiastical power in matters regarding the state—what is the dangerous correspondence with the Pope, what are the treasons, what are the rebellions, by which the Catholics of the present day have forfeited all claim to that confidence and indulgence which is extended to other sects. For, I say, that until we can produce examples of real practical mischiefs, it is quite idle to talk of I know not what bulls, and canons, and Councils, of which though the letter is still preserved, out of a reverence to antiquity not unnatural in the most ancient church in Christendom, the spirit has long since ceased to animate the Catholic body.

And then, Sir, comes another very important consideration—suppose this dangerous disposition to exist with unabated force in the minds of the Catholics, still, what are the additional means of carrying it into effect which they would acquire by the repeal of the restrictive code?—and how far is that repeal likely to increase or diminish the disposition?

Gentlemen are apt to argue this question as if the Catholics in their present state were absolutely powerless—a sort of Helots, or at best Paraguay Indians, and that we were deliberating whether or not we should now for the first time call them into political existence. But the Catholics have power, great power founded upon the sure basis of increasing wealth and population, and they have a political existence, established by repeated acts of the legislature acknowledging in every line the justice and necessity of conferring it upon them. The question of prudence therefore is, not whether you will have the Catholics discontented and powerless, but whether you will add something to their power, in order to lessen their discontent. Now, Sir, in order to settle this question it may be well to enquire, on the one hand, what is the actual amount of discontent existing among the Catholics, and on the other, what is the degree of power that still remains to be conceded to them.

The discontent is great, active, and growing; and cannot be allayed except by concession; the probable accession of political power is small. I say the probable accession, for it is with probabilities, and not with bare possibilities and extreme cases that we are concerned. It would consist of a few Roman Catholic members in the other House, a few more in this, and they not more under Catholic influence than the present members may fairly be supposed to be, who are returned by the votes of Catholic freeholders; and what common sense and humanity seem to require, a few Roman Catholic sheriffs, and other officers of justice. This, together with a few general officers, would be the whole immediate accession of power. In the course of a certain number of years, as the jealousy against them diminished, as they acquired more property, and more knowledge, they would increase also in political influence, they would fill more seats in parliament, rise to the command of armies, and perhaps become ministers of state. But then against this probable increase of power on the one hand, must be set the equally probable increase of a liberal and tolerating spirit on the other. More Catholics would acquire power, but they would be less intensely Catholic in any offensive sense of the word. The

blood of the Martyrs, it has often been remarked, was the seed of the church. And if persecution, or disqualification, (which is a branch of persecution, and differs from it only in degree) fails of inducing men to abandon their faith entirely, it is sure to make them cling to it more pertinaciously. It is never indifferent. The Catholics certainly are not persecuted, but the disabilities under which they still labour, are quite sufficient to irritate them, and to keep alive in their minds a spirit of obstinate adherence to the peculiar, and, if you will, mischievous doctrines of their own sect. It is not their common religion, it is their common grievance, that binds them so closely to each other, separates them from their fellow subjects, and invests them with all those qualities that render them an object of alarm. An admission to equal honors, that enlarged intercourse with society which the pursuit of these honours necessarily induces, the contagion of liberal opinion: all these things will rapidly wear away those asperities, and dissipate those prejudices, by which the Catholics are now disadvantageously distinguished from their fellow subjects. All those temptations of office, and power, and dignity, which, it is found by experience, absolutely fail of inducing men formally to renounce the creed which is held by their friends and kinsmen, which has been handed down to them by their forefathers, and which they have perhaps already taught to their children, are all-powerful in leading them tacitly to abandon, or at least to refrain from insisting upon those parts of it that are calculated to disgust or alarm the rest of the world. You would have Catholics invested with dignities, and enjoying power—yes—but what sort of Catholics? Bigotted fanatical Catholics? —No; but merely persons differing from you upon certain matters of doctrine, which, in a political point of view, are utterly unimportant. The same degree of talent, and knowledge, and intercourse, with persons of another religion, which would be necessary in a Catholic in order to enable him to rise to any station in which he would enjoy much influence in the country, are hardly compatible in this enlightened age, with bigotry, fanaticism, and a firm practical belief in the dangerous principles as to civil government which are still supposed to make part of the Romish creed. Besides, a bigoted attachment to these tenets, known to exist in any individual (and it can hardly be concealed where it does exist), would be a most effectual bar to his advancement in an empire where Protestant ascendancy would be secured by a Protestant king, and a vast Protestant majority in the government, in the parliament, and in the people.

It would not be a legal, statuteable, and defined, but it would not on that account, be a less just or a less real obstacle. The Catholics themselves would hardly complain of a disadvantage which extended only to a few violent wrongheaded members of their community, and, in practice, those disabilities would be employed with the most salutary effect, to check bigotry, and discourage folly in individuals, which are now most unwisely and most mischievously inflicted upon the whole body, confounding the wise with the foolish, the educated with the ignorant, the loyal with the disaffected, in one indiscriminate sentence of insult and exclusion. A part at least of the alarm which gentlemen feel upon this subject would, I think, subside, if they were more constantly to keep in mind what is the description of Catholics that would principally be affected by the repeal of the restrictive code. It is not the Catholic private soldier, it is the Catholic officer, it is not the Catholic peasant, but it is the Catholic peer, it is not the Catholic constituent, but he that I hope will soon become the Catholic representative, into whom you are to breathe political life by this measure. The soldier, indeed, and the peasant, and the constituent, will be gratified, and elevated by it, and ultimately will derive from it the greatest benefit. But the immediate advantage is to be reaped by the higher orders. It is they that you are called upon to trust with additional power, persons as fit to exercise it as yourselves. Not dupes to an obsolete imposture, not slaves to a foreign hierarchy, but persons in whose minds education and knowledge have obtained a complete victory over fanatical ignorance and barbarous superstition.

If any danger still exists from the doctrines maintained by the Catholics upon the subject of papal supremacy, it is a danger which the repeal of the restrictive code is much more likely to remove than to augment. For, in fact, those doctrines are so absurd in themselves, and accord so little with the spirit of the times, and the political state of the world, that nothing

but the obstinacy which unjust restraint never fails to engender in the breast of those upon whom it is imposed, can prevent them from falling into utter contempt and oblivion. By admitting the Catholics into your state, you will by so much detach them from the political interests of their own church; suffer them to taste the sweets of civil power, and they will cease to recognize (if indeed they can still be considered as recognizing) that ecclesiastical authority that pretends to be superior to it; let them share equally with yourselves in the favour of their lawful domestic sovereign, and equally with yourselves they will spurn the usurped domination of a foreign priest.

Upon the whole then, I say, that in this balance of evils, we have a much less difficult choice, a much less doubtful alternative presented to us than commonly occurs in the conduct of human affairs. On the one side we have the danger of giving more power to the Catholics. I say, more power, for be it not forgotten that power, great power, they already have and always must have, do what you may—a danger which for the reasons which I have endeavoured, though feebly and imperfectly to state, I conceive to be very small. On the other you have, first, the loss which arises from repressing the spirit of honourable exertion in a very large body of your own subjects, even supposing them to acquiesce patiently under the disqualification. This is what every statesman, and every man of sense, whether reasoning *à priori* upon the probable effect of such restraints, or founding his opinion upon the effect they have actually had in the country in which they have been tried to such an extent, and with such perseverance, must regard as a great, and almost intolerable grievance. It is that which if necessary is to be deplored, but if unnecessary is to be abominated, and the regret one would naturally feel at its existence is only increased by recollecting what things Ireland has done, and what men Ireland has produced, while palsied by the operation of a system which allows only one fourth of her population to enter upon that career, whether of civil or of military glory, which in our own time has been graced by Mr. Burke, by lord Wellington, and him, whom, though present, I cannot refrain from adding, my right hon. friend who moved this question.

Then, Sir, in the next place, and in the same scale, we must put the dangers that must arise from the growing discontent of a large and powerful body. Sir, this is a point upon which I touch cautiously and unwillingly, and which I had rather leave to the private, but candid consideration, of every gentleman, than urge to the utmost in public debate. For, I am persuaded, that nothing can be more injudicious in the advocates of the Catholic claim, nothing worse for the Catholics themselves, nothing more likely to frustrate the whole benefit of the measure, than to treat it, in what might be considered as, an angry or a threatening tone; and I regard it as one of the most important results of the happy change which the last year has produced in the affairs of Europe, that the destruction of the French army in Russia, and the victories of lord Wellington,—victories gained by an Irishman—have enabled us to offer to Ireland as a boon and a favour, as the result of our unbiassed opinion upon a great question; as the spontaneous effect of political justice and wisdom in the legislature, that, which if it were conceded at a moment when the fleets of Spain, bearing the armies of France, were ready to issue forth from every port in the peninsula, to invade a kingdom without an ally (a crisis which at no remote period seemed fast approaching) would have lost all its immediate effect in composing the differences between the two countries, whilst it seemed to be wrung from the terrors of an unconvinced and reluctant parliament. Thus much, however, I think, may be said without exaggeration, and without offence, that the situation of the Catholics is such as must generate in them feelings unfavourable to the public repose; and it may not unfairly be asked, whether if the discontent prevailing in that body now, is felt as an embarrassment in the government of Ireland, it is not likely to become far more serious, when in the course of a few years, by the operation of obvious and unfailing causes, the Catholics have acquired property in proportion to their population, and along with it, every means that can enable them to obtain, and every stimulus that can urge them to desire, a complete participation in political power. That they are still loyal, I believe,—still disposed to prosecute their object by lawful means alone—but we ought not to forget that disappointment long continued becomes despair, and that discontent unallayed is the parent of disloyalty.

And this, Sir, naturally leads me to say

a word or two as to another argument against the Catholic claim, which, I find, has had considerable effect, not only out of doors, but upon the minds of several gentlemen, members of this House. It has been said, that though considered in the abstract and with a view to its own intrinsic merits, the Catholic claim might be entitled to a favourable consideration, yet that the Catholics themselves by their violent precipitate conduct have forfeited all the right they might otherwise have had to indulgence. Sir, if in the discussion of a great and momentous question, especially in parliament, any thing could induce me to depart from that moderation and temper which a regard to decorum imposes upon me, and what, I own, weighs yet more powerfully upon my mind, a regard to the interests of that great cause, which I am humbly and feebly, but earnestly endeavouring to plead, it would be the argument, if argument it can be called, to which I have now alluded.—I do not think, that, generally speaking, gentlemen have been very happy in the objections they have urged against the measure, either considered as a mere matter of reason, or as a matter of reason and feeling combined, but in this they appear to me to have been more peculiarly unfortunate than in any other instance. For if this argument proves any thing, it proves this—that all restraint and all injustice ought to last for ever. For what maxim could a tyrant be more desirous to establish than this—than when oppression has produced discontent, discontent becomes an apology for more oppression. Is it not an utter mockery of all reason and justice, to say "the restraints are galling,—your complaints are not ill founded,—we cannot charge you with disaffection, but because you have not always been able to pace in the trammels of the strictest propriety; because you have talked of right where we only admit an expediency; because you have sometimes asked as a matter of justice what you ought to have implored as a matter of favour; because your often-rejected claim has not always been preferred in all the forms of humility and supplication; because you have not gratified our pride, but only convinced our understanding; because remembering that you are oppressed, you have not always forgot that you are strong—therefore you shall have no redress. You shall be made answerable for the absurdities of foolish, and for the violence of mischievous advocates. We will scan every word with jealous accuracy, we will watch every step with hostile vigilance, and if we succeed in detecting a wrong word or a false step, all the claims of justice and policy shall avail you nothing."

Sir, I can respect, though differing widely from, the opinions of those who oppose the Catholic claim because they think it dangerous to church and state. But I cannot extend that respect to the opinions of those who, professing themselves friendly to the principle of emancipation, can dispense themselves from the support of it upon such feeble and suspicious grounds—who thinking the measure wise and just in itself, chuse to clog the execution of it with absurd and impossible conditions. They too, it seems, are friends to toleration, they too are desirous to free their fellow subjects from unnecessary restraints, and therefore when the Catholics, under those circumstances that are most calculated to agitate them, under the influence of expectations often raised and often disappointed, and now standing again as they think, upon the very threshold of religious freedom, are perfectly calm and composed; when all the actors upon those irregular theatres of ambition, which our impolicy has opened, and which our mere power will never be able to close, conform their language to the standard of pure taste, and statesmanly discretion, when no foolish person is found to chuse an erroneous principle as the support of a sound conclusion, or to eke out a just claim with an exorbitant pretension; when three millions of people, labouring under disabilities which are grievous to every man in proportion to his property, his talents, his activity, his patriotism, and his desire of honourable distinction, wear a countenance of cheerfulness and content, when the laws that regulate man's moral nature are suspended, then, and not till then, they will vote for concession. Is this justice? Is this wisdom? And one is almost tempted to add, is this sincerity?

But suppose that by some miracle these conditions were fulfilled, suppose this torpor to seize the Catholics, suppose them, I will not say to urge, but to state their requests with all that cautious propriety, with all that discreet languor, which their adversaries seem to require. Why, Sir, what is the language we should then hear, what is the language which we have formerly heard from the same gen-

tlemen? We should be told, triumphantly told, that emancipation was not a measure required by the state of Ireland, but only the pretence of a faction on this side of the water; Ireland, they would say, is perfectly tranquil under the present system, and would you make such a change quite gratuitously, would you offer redress where there is no grievance, and subvert the present happy order of things in the vague hope of remote advantage? The Catholics in reality care very little about their claim; they only state it *pro formâ* as it were, and with no expectation whatever that you will grant it. If they were in earnest, if they had any real reliance on the justice of their cause, we should see some symptoms of discontent, and they would urge it with greater eagerness and heat So let the Catholics do what they may, let them be eager or let them be lukewarm, let them be tranquil or let them be turbulent, their claim is sure to be encountered by an unanswerable argument arising from the tone and temper in which they prefer it.

But after all, Sir, what is this outrageous insolence, what is this unpardonable crime by which they have forfeited those most valuable privileges to which they would otherwise have been entitled? One would really think that they had thrown off their allegiance, engaged in a traitorous correspondence with France, or broken out into open rebellion. But what is the fact? Why, that during the whole time the question has been under discussion, there has been no Catholic rebellion, there has been no Catholic insurrection, there has been no disturbance originating in the Catholics as a body, there has not been so much as a Catholic affray in the streets. The only exception, if an exception it can be called, to the general regularity of their conduct, is that they met in a way which, by a fortunate recollection and dextrous application of a statute intended for another purpose, was discovered to be illegal.—What did they do then,—they complained, but they dispersed—they tried the point of law, which, in a doubtful case, they were well warranted in doing—they tried the point of law, and submitted patiently to the decision of the Protestant lawyers who decided it against them. But then they have made use of violent and menacing language—if it is meant that the language of some of the speeches at the Catholic meetings is violent, I most readily admit the fact; indeed I know not how, without a miracle, it could be otherwise, in meetings from which no Catholic is excluded, where, in the minds of some of the speakers, vanity and turbulence will naturally mix themselves with better motives, which of course, come to be considered as a sort of schools of rhetoric and politics by those that are unfortunately precluded from better opportunities of distinguishing themselves, and where the constant, standing, exclusive subject is a grievance. That violent indiscreet speeches should be made in such assemblies is any thing but surprizing, and the only matter of wonder is that they should not be more indiscreet and more violent, and that the passions of some individuals should not have more deeply infected the aggregate body. If gentlemen mean to wait till no such discourses are held, they had better make up their minds to abandon the whole question at once, which indeed would be a wiser and a fairer course, than to let the privileges of a whole nation depend upon the expressions that happen to fall from a few hasty, impassioned orators. Up to a very late period the language employed by the Catholics in their Resolutions and Petitions was uniformly moderate and judicious. The Resolutions however which passed last spring contain some expressions which it is impossible to defend in point either of prudence or of decorum. But when you have said that you have said all. For even in these expressions there is nothing disloyal, or indicative of disloyalty. They merely shew that the Catholics felt as under their circumstances it is natural to feel, and that they trusted the expression of their feelings to persons who were not guided in their choice of language by the soundest policy or the most correct taste.

In estimating the conduct of the Catholics we ought to bear in mind that they are persons labouring not only under a grievance, but under that by which the sense of grievance is always very much enhanced—great and repeated disappointment. I do not contend, nor in my view of the case is it at all necessary for me to contend, that any positive authorized promise was given to the Catholics at the Union. On the contrary I give implicit credit to the declarations made by my noble friend the Secretary of State for foreign affairs, that no such engagement existed. But it is enough for me if that which I believe no man can or will deny, be true. It is enough for me if the

language and opinions of those who were then at the head of affairs, if the very nature and spirit, if I may so express myself, of the measure itself, were calculated to excite in their minds an expectation that the hour of their deliverance was at hand. Another great disappointment—that which gave birth to those expressions to which I have just now alluded, happened at the beginning of the Regency. Sir, I do not mention this circumstance invidiously. It is my purpose to apologize for the Catholics, and not to criminate any other set of men. And no doubt the hope which they then entertained of immediate concession, was the result of some very exaggerated statement of a favourable inclination towards their claim existing in the mind of that person whose favour would contribute the most powerfully to give it effect. But when we recollect how widely that misrepresentation was diffused—so widely that, I believe, there was hardly an individual in this House, that did not more or less be deceived by it, we shall not be surprized if the Catholics, who were the most interested in the event, and who could not be expected nicely and suspiciously to weigh the testimony in favour of that which they must have been so anxious to believe,—lent too ready an ear to these flattering accounts, and if their exasperation at finding them to be false was proportioned to the satisfaction with which they had received them as true: and if in the first moments of their disappointment they should have broken out into some expressions of resentment, the worst consequence of which will be that of giving to their adversaries an opportunity, too favourable to be missed, of misrepresenting their whole conduct and dispositions to the English public.

Sir, many other topics naturally present themselves to one's mind, but I will now conclude, asking pardon for having already trespassed so long upon your time. But I confess I was anxious even at the hazard of wearying the House to explain the view I take of this question, and the more so because I have hitherto contented myself with a silent but sincere vote, although during ten years that I have sat in parliament it has been frequently and eagerly discussed, and although there is no cause in which I am more strongly engaged both by the feelings of my heart and the conviction of my understanding. And, Sir, if this House, concurring in the motion of my right hon. friend, shall this night resolve to do that which is alike required by the justice of the case and by the situation of the country, I shall rejoice, I do not mean to have contributed to that event for I am well aware that I can contribute to it no otherwise than by my vote, but to have borne testimony in favour of a great measure of religious liberty and political wisdom. If on the other hand their decision should be unfavourable, and it should become, as I am persuaded it will become, the source of great and irreparable evils, it will be to me some consolation, suffering under those evils in common with their authors, thus publicly and solemnly to have absolved myself from all participation in their origin.

Mr. *R. Shaplin Carew* said, he feared he could hardly think himself authorised in trespassing on the indulgence of the House, more particularly as he was fully aware of the anxiety and importance with which every one must look forward to the decision of this question; but, as a native of Ireland, and feeling himself most deeply concerned in what related so essentially to the peace and happiness of his countrymen, he hoped he should not be deemed presumptuous in stating very briefly his sentiments. From every view he had been enabled to take of the subject, and from any experience which a residence in his native country might have afforded him, he was most decidedly of opinion that there was no one question so much calculated to strengthen the resources of Great Britain and to raise Ireland to that rank in the scale of the empire to which her natural advantages entitled her. It could not be for our interest that, when every energy should be exerted in resistance to the attacks of a common enemy, the right arm of the empire should be paralyzed by the incapacities under which the majority of the population of Ireland suffered. Give them but a free participation in the privileges of our glorious constitution—give them but a common cause and a common interest to defend, and, in the hour of danger, Ireland will not be then a vulnerable point. The hearts and the hands of Irishmen never had been, nor ever would be, backward in the defence of our rights. The violent language of the Catholic meetings had been urged as an objection to their claims. Did our ancestors, then, assert their liberties in such cool and temperate language? Was it in human nature not to feel some degree of warmth when the happiness or misery of

our country was at stake? He was not one of those, who, on a question involving in its issue the fate of millions, could descend to that cold criticism which would analyze every sentiment and weigh every period. Under this impression he should vote for any measure that had for its object the relief of his Catholic countrymen.

Mr. *Ryder*:

Sir; I have had so many opportunities of delivering my sentiments on the subject of the Roman Catholic claims, in former sessions, that I shall not trespass long upon the patience of the House: but as one of those who have uniformly opposed concession to those Claims, I am anxious that the grounds of that opposition be distinctly understood, and freed from those misconceptions which still prevail respecting them, and which have received some countenance from the speech of my honourable friend (Mr. Ward) who spoke last but one.

I have never contended, that, by rejecting their claims at any particular time, the door is closed against the admission of them for ever. On the contrary, I have uniformly expressed my hope and expectation, that changes might take place in the situation of Europe; that the Roman Catholics might, in time, emancipate themselves from that foreign spiritual bondage to which they are unfortunately subjected; and from all the consequences to which that subjection necessarily leads; and that such changes might make those concessions safe, which could not now be yielded without danger; but that as long as the Pope, the head of the Roman Catholic church, exercised the destructive power which he does exercise, as of right, over the Roman Catholic bishops, the bishops over the priesthood, the priesthood over the Roman Catholic population, a power, not confined, as has been erroneously supposed, to mere points of faith, or spiritual doctrine, or speculative tenets, but extending over the most important civil and social concerns of life; amongst others, the right of marriage, of descent, of legitimacy, of representation to personal property, or liability to debts, as resulting from marriage. As long as laws might be made, upon all these subjects, and many other, not less important, connected with them, by a foreign authority, in violation of the laws of the realm, and those laws enforced without the aid of any temporal process, by the penalties of any excommunication, a punishment affecting not merely the spiritual welfare, but the temporal rights and interests of all those who are exposed to it; so long as this state of things remains, I shall remain, reluctantly, but unalterably, convinced, that the concessions, claimed by the Roman Catholics, cannot be granted without danger, imminent and immediate danger, to the Protestant establishment in Ireland; and with danger, though, perhaps, more remote, not less certain, to the Protestant establishment of this part of the empire.

In this opinion I am supported by some of the most zealous advocates of the Roman Catholic claims; by the right hon. and learned gentleman (Mr. Plunket), and by an hon. baronet (sir John Hippisley); both of whom have distinctly admitted the danger of foreign influence, and the necessity of guarding against it.

A similar admission I understand to have been made by my right hon. friend (Mr. Pole,) who, in the course of his speech, has appeared to call upon me to bear witness, that the opinions, then delivered by him, were consistent with those, which he was known to have entertained while he was in office. I may not understand the appeal made to me correctly; but if I do, I must assure my right hon. friend, that I am not aware of any communication, at any time, from him, which would have led me to form any other conclusion, with respect to the opinions of my right hon. friend, than one directly opposite to that of his speech this night: namely, to this conclusion, that the Roman Catholic claims could not be conceded with safety, because they would grant no effectual securities. Indeed, I am so strongly impressed with this opinion, that when my right hon. friend rose, I expected him to have taken an opposite course of argument from that which he has adopted. It is true, my right hon. friend voted for the Resolution at the end of the last session; but what were the grounds upon which that Resolution was supported?

It was urged, that the sentiments of the Protestants, both here and in Ireland, were changed, and this argument appeared, at that time, to derive some countenance from the absence of petitions from any considerable numbers of the Protestant body. It has, however, since been proved, that the silence of the country was owing, as I have always contended, not to indifference nor apathy to this great question, involving, as they believe, the dearest in-

terests of their own religion, but to a laudable reluctance, not unnecessarily to agitate the public mind upon questions, of all others, the most likely to excite the worst species of contest—animosity; but to confidence that their representatives, entertaining the same opinion with themselves, would give no encouragement to claims, which could not be safely conceded; and that confidence has been confirmed, year after year, by the uniform conduct of parliament, till the close of the last session.

Since that period, however, the table of the House has been loaded with petitions against those claims. It is said, indeed, that many of them have been obtained by misrepresentation and artifice; that some of them are violent in their language, and do not merit the attention of the House.

I admit, Sir, that implicit faith is not always to be given to petitions; that they are sometimes obtained by undue means: that they do not always speak the real sober sense of those bodies, whose sentiments they profess to represent. I know, however, nothing of these facts which have been alluded to in the course of the debate. It is very possible, that in this, as in all other cases, where great interests are at stake, excess of zeal may, in some instances, have outstepped the bounds of prudence and moderation on both sides of the question. I will not stop to enquire, because, in my view of the subject, it is immaterial whether this or that petition, out of the immense numbers which have been presented to the House, against granting the Roman Catholic claims, may not have been penned with more caution, on the one hand, or what arts have been used, what influence exerted, to impede the progress of these petitions on the other. Making all reasonable allowance for the operation of such causes, it is enough for the House to perceive that these petitions, upon the whole, breathe a spirit of toleration highly honourable to the character of the country, and well worthy that religion which it is their object to uphold; and that the only practical inference to be drawn from them is, what I believe will not be denied, that the general sense of this part of the empire, and a large majority of the Protestants of Ireland, are decidedly hostile to the measure of further concession.

It is said, that the petitions come principally from the clergy; and therefore it has been argued, they are to be laid out of the case, as interested or improper. Sir, it is the first time, in the history of this country, in which the interference of the clergy, upon a question, in their opinion, deeply affecting the interests of their religion, has been characterised either as the one or the other. If, indeed, they have been actuated by unworthy motives, if they have professed sentiments they do not hold, or if they have expressed those sentiments in intemperate and violent language, the reproof may be merited and well timed; but when the charge rests only on general assertion, or declamation, then, by what new code of revolutionary law, is it to be argued, that a minister of the established church is to be censured, not merely for the exercise of a right he enjoys, in common with the rest of his fellow subjects, but for the discharge of a sacred duty, to guard, by his advice, his influence, and his example, against any innovation on the fundamental laws of his country, which he deems to be dangerous to that religion, whose interest he is bound to protect, by ties, from which no human jurisdiction can absolve him. To censure that proceeding, not from the manner in which the right has been exercised, but because it has been exercised at all, savours not a little of that spirit of intolerance and bigotry which has been at various times, too justly imputed to the professors of that religion whom it is sought to admit to a share of political power, hitherto deemed inconsistent with the laws and the constitution.

How far, Sir, the conduct of the Roman Catholics in Ireland has contributed to produce this expression of the public opinion, to increase the jealousies and fears of every class and description of the Protestant community, I will not now enquire, because I am unwilling to enter into any discussion, or even to utter an expression, that can hurt the feelings of a large and respectable part of our fellow subjects, whose general loyalty and good intentions I do not doubt, whatever I may think of the motives, the intentions, and the objects of those who, I regret in common with the right hon. and learned gentleman (Mr. Plunket), have unfortunately gained such an ascendancy amongst them, and even amongst those who, from their character and their rank, have heretofore been considered their natural and acknowledged leaders.

But with a view to the practical question, the motion of the right hon. gentle-

man (Mr. Grattan)—what hope can I, or any man, entertain, from what is known of the avowed sentiments of the Roman Catholic body, that they will consent to grant any effectual securities? When my right hon. friend (Mr. Canning) proposed the resolution which passed in the last session, it was hoped that the disposition to concede, which that resolution indicated, would produce a reciprocal spirit of concession on the part of the Roman Catholics. Has it produced that effect? Or has it not, on the contrary, been followed by the most positive and peremptory declarations, both of the Roman Catholic prelacy and laity, against the grant of any additional securities? I refer to the Resolution of the Roman Catholic body, in Dublin, of the 5th of November, and to that of the Roman Catholic prelates of the 18th of the same month, which were read by my hon friend (Mr. Bankes) on a preceding evening; and all the recent publications of the Roman Catholics, which have met the public eye, avow the same determination.

Why, then, if these cannot be denied to be the authorized and authentic declarations of the Roman Catholic body—if they will grant you no securities to supply the place of those, which you must repeal, what hope is there of answering any beneficial object, by acceding to the motion of the right hon. gentleman? On former occasions, the right hon. gentleman thought it right to recommend his motion to the adoption of the House, by informing them, not only of the general outline of his plan, but of some, if not of all, the securities, which he hoped, at the time, the Roman Catholics might be prevailed upon to grant. On that principle he, one year, suggested the Veto. Another year, on finding that the Roman Catholics would not hear of the Veto, he suggested a species of domestic nomination as a substitute. The Roman Catholics were equally firm in resisting every species of domestic nomination. And now, defeated in his hopes of proposing any measures which can, by possibility, be deemed an adequate security, by those who think any security necessary, the right hon. gentleman desists from any similar suggestions, but contents himself with moving, as before, for a committee;—contending, that there is, in his opinion, no danger, and, consequently, no need of any securities at all.

The right hon. gentleman is, however, almost single in that opinion. The necessity of securities has been generally admitted and contended for, even by those most anxious to support the motion; and yet only two have been specified—the Veto, by the hon. baronet (sir John Hippisley) and the Domestic Nomination, by the right hon. gentleman (Mr. Plunket); and the attainment of either is acknowledged to be impracticable, even by the right hon. mover himself.

Why, then, Sir, is it not a novel proceeding for the House to consent to go into a committee, and upon a question of such importance, when almost every individual in the House contends that securities must be found; and no one individual has suggested any one security, which there is the slightest chance of obtaining, when the Roman Catholic body considers the demand for securities as an insult to their allegiance? But it is said, that the House will give offence to the Roman Catholic body, by refusing to take their claims into consideration. Yes; but what are we doing at this moment? Is not the House employed in considering their claims? What have we been doing for years past; Is there a single question in the whole range of the foreign or domestic policy of the country, which has occupied so much of the time of the House, session after session, as the consideration of the claims of the Roman Catholics? Have they not been discussed year after year—sometimes more than once in the same session—in debates protracted for nights together, and with a gravity proportionate to the importance of the subject? There is, therefore, no ground for contending, that you close the door against the consideration of the claims of the Roman Catholics, because you refuse to go into a committee upon those claims.

As little ground is there for the argument, that, by going into a committee, the question will be set at rest. Suppose, what indeed can hardly admit of doubt, that the labours of the committee will end, either in no plan at all, or in fixing on such securities as the Roman Catholics will not grant? Is the question at rest? What is there in the resolutions of a committee, though adopted by the House, to prevent the right hon. gentleman, or any other member, from moving for another committee to reconsider and revise the proceedings of the former? We know by experience, that, though the House has divided, by large majorities, against the appointment of a committee, the right

hon. gentleman has not been deterred from submitting to the House the same proposition in the ensuing session. The question cannot be set at rest while the Roman Catholic pays unlimited obedience to a foreign, final, ecclesiastical, jurisdiction, paramount to the lawful government of his country. It is in vain to expect it.

But if the committee can do no good, can it do no mischief? Is it a matter of indifference? Let the House remember the effect of the resolution of the last session. Will any man deny that a general alarm has been excited by it, not merely amongst the lower and more uninformed classes, but amongst the higher orders of the state, who are more removed from the influence of prejudice or passion? Let them take warning by that example. Let them not add to that alarm by proceeding in the same course, under circumstances which preclude all hopes of obtaining any beneficial object. Let them not disregard the voice of the country, so unequivocally expressed, or give their constituents cause to regret their choice. Let them not shew their gratitude, by a division contrary to the wishes and the hopes of the people, and one which runs the risk of rekindling those religious animosities, and of reviving those contending interests, between Protestant and Papist, which, wherever they exist, are most fatal to the prosperity and happiness of a country.

Let them rather follow the example of that great man, whose words I am now quoting, and whose authority has been most incorrectly referred to, more than once in the course of the debate, particularly by my hon. friend (Mr. Ward), as sanctioning the motion of the right hon. gentleman. It is well known that Mr. Pitt was friendly to the claims of the Roman Catholics, though he refused to agitate the question. But when he resisted as he did, a similar motion to that now before the House; did he rest his opposition solely, as has been stated, upon the conscientious scruples of his sovereign? All those who know any thing of Mr. Pitt, must know, that this ground of objection, had it stood alone, would have been with him, conclusive, under the circumstances of that period. But he did not rest his objection on this ground only. He laid equal stress upon the general opinion of the country. He told the House, that he looked at the measure as a measure of peace, of union, and conciliation; as a measure, which, he hoped, might have the effect of softening down religious differences, extinguishing all animosities, and uniting of men, of both religions, in one common zeal for the preservation of the constitution. But that, desirous as he was of pressing it, he never would have proposed it, unless he had a rational prospect of its being carried, with that general concurrence, which would have enabled parliament to gratify one party, without awakening the fears, or exciting the jealousies of the other; because, as he truly stated, if brought forward under other circumstances, it would only tend to revive the animosities which he wished to extinguish, and aggravate the difficulties which he was desirous to remove. He added, that, looking at the opinions of the times, the situation of the public mind, and the sentiments of all descriptions and classes, he should act inconsistently with his duty, and even upon those grounds upon which he had originally thought the measure should be brought forward, if he did not negative a similar motion to that now moved by the right hon. gentleman.

Such were the sentiments and such was the language of Mr. Pitt, in 1805; and yet, in 1805, when he delivered and acted upon that opinion, the table of the House had not been loaded, as it has recently been, with the petitions of the Protestants, on the one hand, nor had the Roman Catholics refused to grant any securities on the other.

Sir; in the firm conviction that the objects in view are now unattainable, I cannot consent to go into a committee, and thereby open a door to all the mischiefs arising from religious animosities, the extent of which no man can calculate or foresee. I cannot consent to it, because I am persuaded, the consequence would be, to excite the hopes of the Roman Catholics, in the same proportion with the jealousies and the fears of the Protestants; instead of gratifying both, to indispose the one and not satisfy the other; and to add, at this moment of exigency, to the greatest of all evils, which can befal a nation, disunion amongst ourselves.

Mr. *Wellesley Pole*, in explanation, said—Sir, my right hon. friend has mis-stated (certainly not intentionally) what I said. I did not say that there was a Memorandum among my right hon. friend's official papers, declaring that I was of opinion that all privileges demanded by the Catholics could be granted, with perfect

security, to the Protestant establishment. I am in the recollection of the House whether I stated any such thing; what I did say was, and I now repeat it—that I had, a very considerable time ago, in 1811, transmitted a Memorandum to my right hon. friend, in which I gave my opinion that the Catholic question could not remain as it was—that I pressed the cabinet to take the subject into their most serious consideration, and to form upon it, an arrangement, which should be final. I did not presume to dictate what that arrangement should be, but I expressed a decided opinion that an arrangement must be made, and I detailed the reasons which induced me to think so. It was of course for my right hon. friend to take such steps upon the memorandum as he thought fit, but I am certain, if he examines his papers he will find it, and I am surprised that he has forgotten it.

Mr. *Ryder* said he had not seen the memorandum alluded to.

Mr. *Charles Marsh* said, that the right hon. gentleman who spoke last had talked much of the alarm he felt lest the laws established by the Roman Catholic clergy should interfere with those of government; but if due enquiry had been made, it would be found that they had rather a concurrent than an opponent jurisdiction. The fears expressed lest the Pope should recover his power were equally futile: for what authority could that man exert over others, who could not command himself? A right hon. gentleman (Mr. Peel) had indulged in remarks unjustifiably severe upon the conduct of a right reverend prelate who had distinguished himself in favour of the Catholic cause: a man, the simplicity of whose manners, the integrity of whose heart, and the sagacity of whose understanding, were almost proverbial: a man, venerable from his age, estimable for his virtues, admirable for his learning, and who had ever distinguished himself as a friend to civil and religious liberty. Surely, because this distinguished, learned, and revered personage had not refused to accept an invitation to dine with individuals to whose opinions he was favourable, he was not to be stigmatized as one who countenanced the drunken orgies of a riotous mob; nor because he coincided in sentiment, was it to be said that he had decended from the elevated dignity that a prelate of the church of England ought to maintain. The last speaker had asked what object could be attained? The Committee of the whole House was only a preliminary step, and it would be no inconsiderable point gained, if the question which, according to his account, had occupied the attention of parliament, session after session, were at last decided. A select committee would of course afterwards be named to examine into the details of the securities that ought to be required. The opinions he entertained upon this question were not taken up lightly or precipitately, but were the deliberate conviction of his judgment, after weighing all the arguments, uninfluenced by the petitions, with which the table had been on both sides crowded. The Petitions of the Protestants were of course entitled to weight; but if it were true that undue means had been employed to procure them—if publications of an inflammatory nature had been industriously circulated, that weight would certainly be considerably diminished. He would not have attempted to revive religious animosities, over which the veil of oblivion had been gradually drawn by the hand of time. Of all persons the present ministers were those who had most vehemently opposed popular opinion: they had declared, and wisely, that popular clamour should not influence their actions, and he hoped that the present would be an instance of the sincerity of such professions.

Mr. *Peel* observed, in explanation, that he by no means intended any disrespect to the right reverend prelate (bishop of Norwich), he merely expressed his regret at the union of his name with that of a person whose society could reflect no honour upon him.

Mr. *Whitbread* rose and said:

I am anxious, Sir, once more to express to the House my sentiments upon this momentous question: but I shall do so the more briefly, because the side of the question which I espouse has been already so ably supported by gentlemen whose arguments up to the present moment remain untouched. Glad I am, Sir, that the hon. gent. over the way (Mr. Marsh), provoked by unfounded insinuations and by daring assertions, felt himself called upon in the warmth of his resentment, to vindicate that distinguished and immaculate prelate, the bishop of Norwich, who had previously received a meed of praise (well bestowed on this, but little approved by the other side of the House), in a

speech delivered by a right hon. member, of whose approbation the most exalted might, indeed, be proud. This applause, doubtless, the right hon. gentleman (Mr. Peel) felt to be but little merited, and in the eulogium which he passed upon the talents of my right hon. and learned friend (Mr. Plunket), he thought proper to compliment the one at the expence of the sincerity of the other. The right hon. gent. confessed that the address delivered the other night by my right hon. and learned friend, was eloquent, argumentative, and sincere; but, added he, if he had courted the sorry pre-eminence conferred upon another, he might have acted differently, and he would have been waited upon with addresses from deputations, accompanied by shouts and acclamations, and have received the same honours that were paid to the bishop of Norwich. Now, if the sentiments were sincere for which my right hon. and learned friend did not receive this applause, it must be inferred that the right hon. gentleman means to assert that the reverend prelate was not sincere, whose conduct was marked by the approbation so severely censured. The right hon. gentleman has been pleased to explain himself to the House,—without such explanation, the inference was undeniable, and must have been universally drawn.

The speech of my right hon. and learned friend—a speech, the excellence of which, with painful regret, calls to my recollection the golden days when this House contained within its walls a Burke, a Pitt, a Fox, a Sheridan, and a Windham—has left me little indeed to add to the unanswerable arguments which it contained. I feel it necessary, however, to say a few words for the purpose of shewing that I am consistent in the vote which I mean to give, because, according to an hon. gentleman who spoke from the floor (Mr. Bankes), it is impossible that I should be so. He maintains that, notwithstanding his vote this night will be directly adverse to that which he gave in the last session, his conduct will nevertheless be consistent. To me, Sir, this declaration appeared paradoxical, nor did the hon. gentleman satisfactorily explain it in the extraordinary arguments he employed. If *aye* and *no* to the same question from the mouth of the hon. gentleman imply no contradiction, *aye* and *aye* from my mouth must flatly contradict each other. If the hon. gentleman be consistent in voting against himself, it follows that I must be inconsistent in voting with myself. But let us see, Sir, what the hon. gentleman's reasons are for his singular change. He insists that the Catholics, since the decision of last year, have come to certain preposterous and violent resolutions. Last session he supported the resolution, merely as an experiment. He thought that it would have the effect of tranquillizing and conciliating the Catholics. But in this expectation he was disappointed. According to the hon. gentleman, the most desperate proceedings have taken place. There have been meetings, conventions, delegates, and aggregate bodies, which have passed the most outrageous votes. I should like, Sir, to know whether all these delegates, meetings, and aggregate bodies did not in fact exist, and had not come to these very resolutions long before the hon. gentleman gave his former vote. Then, however, the hon. gentleman was all readiness to concede. He only wanted securities, and every thing would be arranged. Now, a few violent men frighten him out of his senses, and he turns about and runs away from the vote which he originally gave. (Hear, hear!)—Much to his credit, the hon. gentleman is at the head of a body of men who call themselves rational, moderate, economical reformists,—persons who wish to do all things, in order and by degrees. The hon. gent. sees, out of the House, men voting, what he terms, absurd, violent, and preposterous resolutions on the subject of public reform and economy, telling him that they are not satisfied with these puling half-measures that effect nothing; and that they will not listen for an instant to his indecisive policy. In this case, Sir, how does the hon. gentleman proceed? Does he immediately dismiss his Finance Committee? Does he shut up his books and walk home, and say that he will have nothing more to do with them? No such thing, Sir. The hon. gentleman goes on, and persists in what he conceives to be his line of duty. He proceeds in his regular, though slow, siege of public corruption and abuse, completely regardless of the noisy shouts of discontent that assail him without doors, and determined eventually to accomplish his purpose. I do not assert that the hon. gent. is not sincere: his courage and perseverance are to be attributed to his sincerity: he defies all the clamorous addresses, votes and resolutions

of unauthorised intemperate men, and proceeds with his plan. Why not adopt such conduct towards the Catholics? I deny, Sir, that they have manifested that outrage and violence which have been attributed to them since the vote given by the hon. gentleman last year: but if they have committed acts of violence, have they not been goaded to them by a sense of their wrongs? And is the hon. gentleman quite sure that these violent resolutions, as he calls them, did really proceed from the friends of the Catholics? Is he quite sure that they do not owe their origin to those who now possess influence, who are now considered *magnates*,—whose power would be diminished, if this measure were adopted,—whose interest it is to defeat the object which all good Catholics and well-judging Protestants too are anxious to see accomplished?

I am not surprized, Sir, at the great importance which is endeavoured to be attached to the petitions which have been laid on your table against the claims of the Catholics. With me they do not carry that weight which from the numerous signatures, I should be inclined, on almost any other occasion, to attach to them. I know, Sir, and the country knows also, the artful misrepresentations that have been resorted to for the purpose of obtaining them. I am aware of the inflammatory publications that have been industriously circulated: I have heard, and heard of inflammatory discourses and almost threats that have been uttered from the pulpit. I have seen the Charges that have been written by right reverend prelates, and written, I must say, apparently in total ignorance of the subject. Such papers, Sir, have been spread abroad by persons calling themselves the "Society for the Propagation of Christian Knowledge;" and the people have been induced, by every artifice, and in some places even forced, to sign such petitions. The truth, I believe, in my conscience, is, that instead of the Protestants being more adverse than formerly, they are now by many degrees more favourable to the concession of the claims of the Catholics. The son of a right reverend prelate (Mr. Tomline) who, from peculiar circumstances, may be supposed to speak from some information, has endeavoured to deprive us of the authority of Mr. Pitt in favour of the concession, and this attempt has been preceded by one not more successful on the part of the hon. gentleman's father (the bishop of Lincoln himself) who, in a Charge to the clergy of his diocese, has struggled hard to shew that the opinions of Mr. Fox on the subject of concession to the Catholics have been always misapprehended. This laudable design was to be carried into effect by a garbled quotation from a note in a posthumous work of my ever-lamented friend. This charge was addressed to men who could never have attended the debates in this House—who had never heard Mr. Fox pronounce his eternal and immutable opinions upon this question. If such an attempt had been made here, we should have treated it with merited detestation; but it appears to have been intended for men ignorant of any opinions but those which were dictated to them.

But never, Sir, was there a more unsuccessful attempt than that to deprive the Catholics of the sanction of Mr. Pitt's authority. When the right reverend prelate urged as a reason for doubting his favourable intentions towards them, that he had never confided any plan to my lord Eldon; he might as well have said, that he was also insincere in the opinions he delivered in this House against the Slave Trade, because he never communicated any specific plan for its abolition. And yet, Sir, if any man were to ask me if I considered him insincere on that account, I should at once say it was impossible for those who had felt the effects produced by his eloquence, to doubt his sincerity. I would also say, that it was equally impossible for any person to doubt the sincerity of his opinions in favour of the Catholics, who ever heard him speak in this House on the subject, and when they coupled with his opinions so delivered, the paper circulated by my lord Cornwallis at the close of his administration. I must maintain, therefore, that we have the authority of Mr. Pitt. We have also the authority of Mr. Fox, Mr. Burke, Mr. Windham, and of one whom Ireland owns as one of the most illustrious of her sons, and whom I hope we shall soon see again in this House, Mr. Sheridan, a name of which his native land must always be proud.

Like weeds in a rank soil, which are no sooner cut down than they spring up again, the arguments brought forward against the claims of the Catholics are no sooner refuted, than they are urged again, with increased pertinacity. So it was, Sir, in the question for the abolition of the Slave

Trade, until, after a struggle of twenty years, the blessed day arrived when our opponents were at last driven out of the field, and that great measure was accomplished.

One right hon. gentleman opposite (Mr. Ryder) declared himself not averse to concession to the Catholics at some period or other, but disapproves of going into a committee at present. This, he contends, could not be construed by the Catholics into a refusal to take their claims into consideration. What, said the right hon. gentleman, have you not been gravely deliberating on this subject of their claims for these eight or ten years past, and if this committee should be refused, is not any member of the House at liberty to bring forward another motion on the subject to-morrow? But does he think that the speech of my right hon. friend (Mr. Grattan), regularly made every session, with an abortive attempt as regularly made to answer it in the grave and solemn manner of the right honourable gentleman—does he think that sufficient to satisfy the just expectations of Ireland? Does he think that Ireland will go on contentedly if nothing more definite is resolved on in her favour? A right hon. gentleman whom I have always believed to be most sincere in the opinions he delivers in this House (Mr. Yorke) has told us, that the Catholics of the present day continue to be imbued with all the old prejudices of that sect. The bishop of Lincoln, in his episcopal Charge, has thought proper to lay it down as a maxim to his clergy, not only to discourage the growth of Popery by all the means in their power, but also to take every opportunity of discouraging any opinions, which might have a tendency to diminish the fear of Popery, as opinions injurious to the establishment. A more injurious, a more illiberal mode of proceeding than this cannot possibly be devised, nor one which has a stronger tendency to revive the outrages which contending sects exercised upon each other in remoter ages. At one time I thought we were to have the right hon. gentleman in favour of going into the committee. For, said he, if you can shew me any securities which will be effectual for obviating the dangers to be apprehended from this innovation, I will consent to go into the Committee. Nothing could be fairer than such a declaration,

"But when at Heaven's gate St. Peter seemed
To wait him with his keys—
A violent cross wind from either coast
Blew him transverse ten thousand leagues away
Into the devious air: and there he saw
Cowls, hoods, and habits with their wearers—
——————— reliques, and beads,
Indulgences, dispenses, pardons, bulls."

We fairly lost him in Limbo. No sooner had the right hon. gentleman made this seeming advance, than he at once retreated into his former inflexibility. But yet the right hon. gentleman stated certain things, in the event of which he thought it might be safe to make concessions. The first of these events was the death of Buonaparté. I do not, Sir, impute to the right hon. gentleman any wish that the ruler of France should be taken off by unfair means; but I cannot help expressing my surprise and indignation at seeing in the public prints the most horrible doctrines again advanced on this subject, such as the necessity of marching to peace over the dead body of that man. I never can consent to the "deep damnation of his taking off" or of any man but by fair means; and if concession to the Catholics be contingent on the unfair death of Buonaparté, let their cause be hopeless. Another condition is, that the Catholics should give up the spiritual supremacy of the Pope: and last year the right hon. gentleman wanted an Irish Pope at Ballyshannon. Sir, if there is any thing peculiarly taunting—if there is any thing more likely to provoke sufferers to madness, it is stating terms which are ridiculous, and fixing upon them conditions which it is impossible for them to perform. The right hon. gentleman says, their exclusion is their own fault, they have but to conform. This, Sir, was the dreadful mode employed towards the unhappy victims, tortured by the rack of the Inquisition, in order to extort from them confessions of crimes of which they were innocent. To the holiest of the Martyrs it may have been said, "Only declare your disbelief of certain doctrines:" to Servetus, "Only say you believe in the Trinity;" and so to all other sufferers. "You are all foolish people, and your sufferings are all your own fault." The expiring man might say, "I may be released from my agonies, but exquisite as my torments are, I will not consent to be relieved from temporal misery, at the expence of eternal punishment." We say to the Catholic, "You

may be a judge, a general, an admiral, a commander in chief. If you are not, the fault is your own. Why don't you renounce your creed?" The answer is ready: —"What shall a man give in exchange for his own soul? I shew you that I do give you security. My forefathers and my brethren have proved it by shedding their blood in your service. I myself am now marching to the perils of war to risk my life in your cause. You cannot be sincere in an offer coupled with such conditions;—my refuge is despair!"

The right hon. member who spoke last, introduced into his speech some of the topics insisted on by the right hon. gentleman (Mr. Yorke), on a former night. He talked of a strange power exercised by the Pope over property, the dissolution of marriage, the bastardizing of children, absolution of allegiance, and so forth. Now, Sir, I ask the right hon. gentleman when this took place? The supremacy of the Pope has been acknowledged in Ireland from the earliest periods of her conversion to Christianity. I ask, when were ever your soldiers absolved from their allegiance? When did ever the Catholic priests order your common soldiers and sailors to desert your standards? And if they issued such orders would they be obeyed? Let me endeavour to set right an error that sufficient pains have not been taken to refute. When we argue upon the subject, we speak as if we were erecting this hierarchy. We forget that the hierarchy has all along existed over a vast and discontented multitude. Whereas the passing of this just measure would continue it over a comparatively contented and happy population.

Before I conclude, Sir, I wish to offer a few words in reference to the Petitions on the table of the House. A gallant officer lately presented a petition from a large number of inhabitants in Ireland, (whose very mutilated appearance bears testimony to his bravery and honour): I allude, Sir, to the Petition from the county of Fermanagh. If I had not known his sentiments upon this question, I should have been astonished how he could attach the importance he did to the multitude of signatures to that Petition. That gallant general had fought and bled in Egypt. He was told by another gallant officer near him, that the successes in Egypt were chiefly owing to the good conduct of Catholic soldiers,—those men, whose weapons, it is said, the Pope can turn against your own bosoms. It was at the head of those brave men that he received the honourable distinction of his wound.

But, Sir, there are other petitions at which, I own, I am still more astonished. There is one signed by a small number of men, whose forefathers were driven from France by religious persecution, and who obtained shelter and protection in this country, together with the free exercise of their religion, notwithstanding that religion was not, in many respects, conformable with our own. These persons have had the imprudence to interfere, and to obtrude themselves upon us, in the discussion of this great national question. Not observing the signs of the times—not considering how persecution applies to all religions—they have laid a petition on your table, in which they endeavour to persuade the House of Commons, not only, not to grant some of the claims of the Catholics, but to give up nothing to them—to oppose *all* and *every* concession. For the honour of the petitioners, for the honour of human nature, this Petition ought not to have been presented. By religious persecution the nation, by whom they were driven out, was weakened and distracted—through the bigotry of Louis the 14th, seas of human blood were spilled. In the day of their distress the ancestors of the petitioners found a safe refuge in this land: they have hitherto, I believe, behaved quietly and inoffensively; but assuredly, it behoves them to refrain from sharpening the edge of religious animosities, in a country where they have found assistance and protection from religious persecution.

Sir, there is still another Petition to which I cannot help briefly adverting. A worthy alderman (sir William Curtis) presented the other day, a petition from London of very considerable bulk. The child and the nurse were well proportioned to each other. The worthy alderman told us on that occasion that every person arrived at years of discretion had a right to express his opinion. Very true, Sir. But the hon. baronet might have remembered that there was a petition, of a still greater size than the present one, against the Catholics, which, in the recollection of many who hear me, set the four corners of London in flames. I ask the hon. baronet whether he thinks it would be prudent to hazard the recurrence of such a calamity? And I am induced to do so, because I have seen, every where, hand-bills in circula-

tion containing the most gross and detestable falsehoods. Even at the door of this House, I saw a person this day distributing a printed paper, which I believe he delivered to every member who passed him, pretending to be the opinions of a Catholic on this question, charging my right hon. friend (Mr. Grattan) with insincerity, and stating that the measure proposed would be an insult to the Catholic body. I am convinced that this paper was not the production of a Catholic, but the gross artifice of a furious and bigotted Protestant, as base and detestable as the fabricated Third Part of Penal Statutes against the Catholics.

Sir, a society calling itself the Protestant Union has lately been formed in this city; in principle it is the same—(change but a word,—call it the Protestant Association—and we have an Association that set London in flames). At the head of this new Protestant Association I lament to see the name of a learned, amiable, and benevolent man (Mr. Granville Sharpe) who has lived a long life of virtue and piety, and who, I am fully convinced, is actuated by the purest intentions. An hon. gentleman, the late member for Yorkshire (Mr. Wilberforce) knows, as well as myself, that that worthy man is not influenced, in his opposition to the claims of the Catholics, by the Coronation Oath, or by considerations of political expediency, not by any evil to be apprehended from papal influence or authority, but from having discovered in the Apocalypse, that if ever the Catholic Claims should be granted, the vials of the wrath of Heaven will be poured out upon these kingdoms! Sir, it is mortifying to see the most ridiculous stories that have been gravely circulated, under the sanction of this new Protestant Union, with the excellent person to whom I have alluded, at its head—the conversations of a poor Irish girl respecting her priest—and similar absurdities too farcical to mention.

With respect to securities, Sir, the Catholics have none to give. We took all away. We have every thing in our own hands. We have been doling back to them, little by little, the privileges they now enjoy. The restrictions which remain constitute what are falsely called your securities—for satisfied I am, that if they were removed, the Church and State would be infinitely more secure.

Sir, as kingdoms have never been overturned but by the misconduct of their kings and rulers, so the church of England will never be overturned, but by the misconduct of the prelates at her head. But, though these are my opinions, other persons may entertain different ones; and I am ready, therefore, to go into a committee, to consider if any securities can be devised. When we go into a committee, the Catholics must be much more satisfied than if we refuse it. With respect to their refusal of the Veto—is it any answer to say, that in 1799, they were willing to give up the Veto? At one time a people are willing to pay for what afterwards, if gratuitously offered, they will spurn at. Were not the Catholics at one period in the exercise of all their rights? And were not the restrictions, under which they labour, imposed for temporary purposes? Give them back, then, I say, that part of their rights, of which they remain deprived, now that the circumstances, which gave rise to the restrictions, are no more.

Before I sit down, I wish to call the attention of the under Secretary of State for the Home Department to a certain subject. In a former part of my speech I took occasion to notice the numerous placards and hand-bills that are distributed in all quarters, and the great endeavours which were making to inflame the minds of the people, and to bring about a revival of all the gross and calumnious charges against the Catholics which it was possible for the malignity of man to invent. Now, in a paper published every three weeks, under the authority of the Secretary of State, called "The Hue and Cry," containing chiefly proclamations for the discovery of robbers and deserters, (and the list is numerous without including the politicians,) an account was lately given of the fire at Sidney College, Cambridge, in which account, after noticing the diabolical nature of the crime, and indulging in some conjectures respecting the incendiary, it is observed, that, "it must not be supposed that there are any *Romanists* about the College." Another article in the same paper, alluding to the Popish struggle for dominion, concludes in this way: "It is a nuisance, and ought to be put an end to—the blood of every Christian is frozen, at the bare-faced lust of eye and pride of heart of these people." I wish to know, Sir, what the right hon. Under Secretary will say to the appearance of such articles in this publication. I wish to know whether these infamous

paragraphs come from the pen of any person employed by the noble viscount at the head of the Home Department. For if this be not contradicted, it would seem, that the Catholics are held up, under the authority of the Secretary of State, as the authors of every thing that is infamous. Really, Sir, such articles remind me of the writings in the time of Bedloe and of Oates; the man who could write in this manner would have been a fit person to have written the inscription on the Monument, which

'Pointing to the skies,
'Like a tall bully, lifts its head, and *lies*.'

I anticipate, Sir, that we shall have the support of the noble lord opposite (lord Castlereagh), and that a large majority of the House will vote for going into the committee; but even if there should not be that majority, I exhort the Catholics not to despair; for ultimately they will have the court with them; and when it is known that the court is favourable to their claims, the passing of the measure will be as easy as that of the Toleration Bill was last year. Then, I am sure, the *Church* will readily acquiesce; then, to use the expression of an honourable baronet, those with mitres *on* their heads, and those with mitres *in* their heads, will take a different course from the one which they have been pursuing; for even those who have mitres on their heads, with few exceptions, will recollect that they may have them improved by translation. If the favours of the court had taken the direction expected, this great work would even now have been accomplished.

Sir, if the hopes of the Catholics are now to be destroyed—if the Catholics should now be driven to despair, will they not look back to the promises that were held out to them? Who offered them the cup? Who tempted them to drink? And if they are intoxicated, to whom do they owe their madness? Sir, I hope that this House will take care that they shall neither be deceived nor disappointed; but that it will nobly follow up the Resolution which was last year agreed to by so great a majority. I believe it will be allowed that no Royal Conscience now stands in the way of the claimants; and if that fact is once known, I am convinced that the worthy alderman (Curtis) will not be burthened as he has been, with his enormous petitions. In a committee upon this great and good work, the labours of my much respected friend (Mr. Grattan) may at length be consummated—the Catholic subject may be admitted to places of trust and power, under the crown, which must be worn by a Protestant prince, as the supreme head of our Protestant church establishment. The church of England will derive additional security and safety in the additional security and safety of the empire at large; and will be allowed a respite from the pursuits, which have, for some time past, but too much occupied her—the people of Ireland will be satisfied—and the whole empire will be rendered united, and safe against all the attacks of all our enemies.

Mr. *Hiley Addington* believed there was not one gentleman in the House, except the hon. member, who could believe that such a paragraph as he had read was issued from his noble relation the Secretary of State's office. There was no authority whatever for this assertion, as far as he knew; from his knowledge of what passed at the office to which he belonged.

Mr. *Whitbread* asked if this Police Gazette was not published under the authority of that office of the Secretary of State for the Home Department? It was not enough to say they had no cognizance of such a paragraph—they ought to have cognizance of it.

The Hon. *Frederick Robinson* said:—Sir; I have never approached the consideration of this question, without feeling the utmost doubt, and difficulty, and diffidence of my own judgment. It has never appeared to me to be a question to be decided by magnificence of declamation, exuberance of wit, or vehemence of invective. Such modes of discussing it appear to me altogether unlikely to lead to any beneficial result. Considering it, however, in the most dispassionate manner, I voted, last year, for the motion of the right hon. gentleman (Mr. Canning), and it is now my intention to adhere to that vote. It then appeared to me that the question had arrived at such a point, that it was absolutely necessary that it should be considered, with a view to some determinate proposition. We have here, for more than ten years, been debating this question upon its abstract principles; and it appears to me infinitely more wise to bring it to some specific point, as the only means of reconciling both parties, to the decision of parliament. I had thought, therefore, last year, that it was advisable to support the right hon. gentleman's motion, and I did

so in the true sense and spirit of that motion; for I was fully sensible that, if the final decision of parliament failed to connect the national feelings of both parties, it would fail to be a final and conciliatory adjustment. Such being my feelings last year, I cannot see the force of those reasons, which have induced others to change their line of conduct, upon the present occasion. Nothing, certainly, can be less conciliating than the language of the Catholic board; but it was equally violent when the vote of last year was determined; and I see, in the violence of that board, rather the interference of a faction than the sincere feeling of the Catholic body. With respect to the petitions from this country, they have made no change, in my opinion, upon the merits of this question. I have always supposed that, whenever the question appeared to approach towards its accomplishment, a strong feeling of opposition would exist in this country. I am not surprised at this; for I cannot conceive it possible that so important an arrangement could be effected, in the domestic policy of this country, without exciting a very strong sensation: and I cannot avoid feeling that the apprehensions, entertained by so large and respectable a portion of the community as the petitioners, ought to have great weight in determining the mode and extent of the concessions which, upon present grounds, I am willing to grant. I advert particularly to the petitions from the clergy, which I think entitled to much more respect than they have received; and I cannot agree with the eulogium, which the hon. gentleman (who spoke last) has passed upon part of the speech of an hon. baronet (sir Robert Heron) on a former night. I thought, indeed, that, whilst the hon. baronet, in all the fervour of maiden oratory, alluded to petitioners with mitres *on* their heads and mitres *in* their heads, he was both witty and severe, that he only uttered a gross calumny; for, of all classes of the community, none have so fair a claim to approach the House on such an occasion. The members of this House are, indeed, the professors of the Protestant faith; but the clergy are bound to it by more sacred ties, as being, not merely its professors, but its teachers.

Sir, I shall next notice the petitions from Ireland, which have been adverted to us as furnishing a ground for a change of opinion since last year. In that view of the subject I do concur; for it appears to me that a very large proportion of these petitions do not object to the principle of Catholic concession, but only to an unqualified concession, as matter of right. In that view I own I very much concur; but I cannot consider that coincidence of opinion to be an objection to the Committee. If, however, I see no change of circumstances since last year, I ask whether no change has taken place in the circumstances of this country, as connected with this question, since that period, when these restrictions were originally established? I think that a material change has taken place, and that those apprehensions which, at that time, were natural and justifiable, have no rational existence at the present moment. Previous to the period of the Revolution, the great principle of the Protestantism of the throne was not a fixed and fundamental principle of the constitution. Every possible motive combined to keep alive, in the Catholics, not only the constant wish, but the constant hope, of obtaining ascendancy as well as power. They saw, in the prospect of each succeeding reign, a chance, by no means improbable, of regaining all which they had lost. This circumstance, in my opinion, may account for many of those occurrences, which excited the fears and dictated the cautious proceedings of those, who framed the Revolution; and I am by no means surprised that, under the circumstances, which led to that fresh act, its framers did not feel that the Protestantism of the throne was alone sufficient to secure the Protestant establishments of the country; and that, seeing that a Roman Catholic Pretender and his family still claimed a right to the throne, they enforced the restrictions, now in question, as additional securities to the fundamental principle of the Protestantism of the throne. These particular restrictions, however, do not appear to me to be fundamental principles in themselves; and, as the experience of more than a century has confirmed the inviolability of a Protestant throne, and as all chance of a Roman Catholic competitor is now extinct, I think we may safely venture to relax those restrictions which former dangers had rendered expedient.

Whilst, however, I think that much may be done, and that the time for doing it has arrived, I am bound, in honour and fairness, to state, that, if the measure, for the adoption of the House, rested solely upon the principles of the right hon. gen-

tleman (Mr. Grattan), I should finally be obliged to vote against it. For, although the considerations which I have stated, dispose me to concede much to the Catholics, I cannot forget that the principle of our constitution is jealousy. It is jealous of the crown, jealous of the aristocracy, jealous of the democracy; and the Roman Catholics have no right to complain, if it is jealous of them; not that I mean to apply this principle of caution to this or that individual, but it is applicable to the weakness of human nature, which leads all men to a love of power, and to the consequent exertion to maintain it. This jealousy, however, has its bounds; and, if the Protestantism of the throne is still allowed to retain that protection, which I think expedient, I shall be most willing to abandon those restrictive guards, for which I cannot see, in the present state of the world, an adequate and imperious necessity. Having thus stated, however imperfectly, the general outline of my view of this great and intricate question, I will only add, that I shall go into the committee with an anxious desire, an earnest hope, and a fond expectation that the result of its deliberations will be a realization of those anticipations, which led to the vote of last year, and which, I trust, will end in really and substantially promoting the harmony and concord of all classes of his Majesty's subjects.

Sir *Thomas Dyke Acland*.—Sir, I am fully aware that, in delivering my sentiments, at any time, I have much to request from the indulgence of the House; and therefore, more particularly, at so late an hour, and on a subject of so great importance. Feeling, however, that I have the misfortune to differ from many (both in and out of this House) for whose judgment and opinion I entertain the greatest respect, I hope that I may be permitted shortly to explain the grounds of my vote this night.

If I understand rightly the right hon. gentleman's motion, its ultimate object is to exchange the present securities of the established church for others, which may be found fully effectual to its support, and, at the same time, less offensive to a large portion of our fellow subjects; thus to prevent, if possible, that gradual alienation of mind which, being the natural result of their present exclusion, might hereafter render them utterly incapable of moral or political coalescence with us, the Protestant part of the community. Now, Sir, I consider the established church, in full enjoyment of her possessions and endowments, her doctrine, worship, and discipline, to be as essential a part of the British constitution as our monarchy or liberty itself; and that every measure, calculated to injure that establishment, calls for as vigorous a resistance as an attack upon the most fundamental part of our constitution. Were the code of securities, which has existed for the last century, necessarily to be considered as perpetual, as I hope and trust that church will be, I conceive that this House never would have entertained the present question, whether we shall or shall not consider the propriety of devising some new system.

But, I do not find that this code is, by our constitution, deemed so indispensable. I find that, when many of those, who framed the acts of the Revolution, must have still existed, while at least their spirit and principles invigorated our councils, I mean, in the union between England and Scotland, the oaths, which have alone bolted our doors against the Roman Catholics, were positively enacted to be taken by the members of the legislature, only "until the parliament of Great Britain shall otherwise direct;" and this, in the very articles, which, by a carefulness and caution of expression, which precludes even the possibility of doubt or evasion, provide explicitly, as a fundamental and unalterable condition of union,—that the respective church establishments shall be perpetual and immutable, so far as perpetuity and immutability can belong to any thing, which is mortal. The distinction clearly intimates, in my mind, that, in the contemplation of those who framed that union, some time might come in which the excluding oath would be no longer necessary.

Proceeding onward, I find, that the legislature, by its enactments, of the latter half of this reign, has pointed out the near approach of such a period; that many great statesmen, who, on other points, have stood opposed to each other, in the very front of the battle, have united on this subject, and given the powerful sanction of their concurring testimony to the expediency of some change, and that at no very far distant time.

I find, Sir, that, not many months ago, this point of time was more distinctly marked; and that, by a great majority of

the last parliament, the present session, perhaps even the present night, was declared to be a fit occasion for taking this great question into our most serious consideration; and, if I may be allowed, without disrespect, to draw another argument from the nature of the opposition generally made to the present motion, I would observe, that most of the objections rest, not on the perpetual, but on the present necessity of exclusions; thus allowing that the existing species of security is not always necessary; and, consequently, that, whether at this moment it be necessary or not, is a fair subject of consideration; and, when I see that the right hon. mover of the resolutions, in the last parliament, and the right hon. proposer of the present question, have a plan of securities to propose, I do think it fair to them, and due to the petitioners and the country, to give the subject a full, a deliberate, and dispassionate investigation. Beyond this I do not pledge myself to go; but I must say that it is my ardent wish, as it would be most gratifying to me, to find, that in the altered tone and temper of these times, and (if I may so speak) in the more liberalized spirit and feeling of the Roman Catholics themselves, a foundation has been silently and gradually laid, on which we may venture to erect new bulworks, as effectual to the support of our venerable establishment, as that rampart of exclusion, which, while it has fenced and protected her from the assaults of her adversaries, has, also, it must be allowed, closed against our Roman Catholic brethren, many avenues of conciliation and return.

It is not for me to trouble the House with my arguments on this great question; but, as I observe, that a very strong objection has been taken, even to its consideration, on the ground of an inveterate hostility, which, it is said, must exist, in the minds of the Roman Catholics, against all, without the pale of their communion, it may not be unimportant to advert to some facts, which have not been noticed by those gentlemen whose deep and eloquent reasonings have so enlightened this and every other part of the subject, but which strongly indicate better feelings, and a more conciliatory disposition towards us.

I allude, Sir, to facts recorded in the 14th Report of your Commissioners of Irish Education, that the children of Roman Catholic parents are very frequently sent to the charter schools, where they must necessarily be educated in the Protestant faith; that, in many parts of Ireland, they are sent, indifferently, to Protestant and Roman Catholic masters; and, in short, in one instance, where the priest interposed to withdraw the youth of his flock from the heretic teacher, one-fifth remained in disregard of his authority—in a matter too, be it recollected, not less of a spiritual, than a temporal nature.

Again, an instance of the relaxation of prejudice (inherent, as it is said, even in the higher ranks), may be observed in the increasing numbers of Roman Catholic students, who enter at Trinity College, Dublin: and even in the priesthood itself, it will surely be allowed that some abatement of their ancient spirit may be traced in the far more general and unrestricted use of the Scriptures, now permitted to the laity of every rank.

If I might venture to add yet another instance of the declining antipathy of the Roman Catholics to all recognition of another faith, I would take the liberty to mention one, which fell more immediately within my own observation, when I had the good fortune, two years since, to spend some little time in the sister island. Among the many kind and friendly hospitalities which I there received, I had the pleasure of being admitted to the intimacy of a most respectable clergyman of our own establishment, in the south. This family, which was not small, was composed, indifferently, of Protestant and Roman Catholic servants. The parish, in which he resided, contained a large proportion of Roman Catholics, under the immediate superintendance of a titular bishop, whose name, were I to mention it, would be recognized as one not the least distinguished for a zealous attachment to the high doctrine and discipline of the Romish see. When evening came, and, with it, the hour of family worship, those Roman Catholic servants, with the knowledge, and by the express permission, of their titular bishop, knelt down by the side of their Protestant brethren, and united in one common prayer, from our Liturgy, to one common Father, for common blessings and protection.

Surely this is not bigotry—this is not intolerance—this is not an unrelenting adherence to that rigid line of separation, which the Roman Catholic, in spiritual matters, is said to have eternally drawn betwixt himself and the rest of the world. If there be many such instances (and I

have heard that there are such of a still higher order), surely their impression on the mind must be, that they are symptoms of at least an incipient approximation, in the Catholic, to common feelings with ourselves—indications of a disposition of good will, which may ultimately lead to their conciliation, and perhaps even to an actual coalescence with us.

Sir, I feel that I have more than sufficiently troubled both you and the House. I will therefore sit down, with a request, that I may be distinctly understood, in going into the Committee, not to pledge myself, necessarily, to support the measures, which may be there proposed, but simply with the desire to have the subject fully and fairly examined and discussed—with a most earnest and sincere hope, that such examination may and will lead to a final and conciliatory adjustment; but, with a determined resolution not to consent to any measure, which has a tendency to weaken or disturb an establishment, which I believe to be a most integral and sacred part of our constitution, and, at the same time, one of the greatest blessings to the country which that constitution affords.

Sir *Thomas Sutton* rose and said:—Sir, I should not have ventured to obtrude myself on the notice of the House, on this occasion, had I not thought that, in giving a silent vote upon this important question, I should have ill discharged my duty to my constituents, and to the populous and respectable county, which I have the honour to represent.

Sir, I entirely concur in opinion with the right hon. member, who brought forward this question, as to the truths of the abstract proposition he then laid down—that all civil disqualifications of any class or description of his Majesty's subjects, or indeed of the subjects of any state, are not, in themselves, founded in nature or in justice. No, Sir; they are, like all the ordinances of man, the effects of his necessities and infirmities—they arise from the contingencies of the moment; and, when the causes which produced them are done away, they also should be removed, but with the same care and caution with which they were imposed, and for the same special and solid reason—'Ne quid detrimenti respublica capiat.'

It will be perceived, Sir, from these principles, that my objections, to going into the Committee, are grounded entirely on the consideration of the times and circumstances, under which this motion is brought forward. We are engaged in a desperate conflict with France, the ancient enemy of our church and state; and the supreme head of the Catholic church is a prisoner in France—in the hands and power of Buonaparté, with whom he has recently signed a new *concordatum*. Sir, can any more cogent or irresistible reason be assigned for declining now to legislate on this subject, than these two facts? We must necessarily legislate in the dark, upon the most important points for the consideration of the Committee. We are entirely uninformed of the nature and terms of this new arrangement;—we are in absolute ignorance, not only of the secret articles, which may have been agreed upon, but also of the general tenor and bearing of the instrument itself. How, then, can the Committee, with safety or with certainty, decide upon what may be granted, or the securities which should be required? We must necessarily do either too little or too much for the occasion; and, on this account, the time is most unfavourable to the views and wishes of the Catholics themselves. But, Sir, the danger also is great, in agitating and deciding upon these points, under the present circumstances. The continental influence of the Pope is, at present, unknown to us. He is the tool and instrument of Buonaparté; and we must expect every advantage to be derived from this influence, against this country, as the craft and policy of such an enemy can suggest. Nor, indeed, could a more fatal and effectual means of dividing and weakening the energies of the United Kingdom be devised, by Buonaparté himself, than our proceeding to the discussions of this question at this time. In so doing, we are, in fact forwarding and facilitating the plans of our foe against us; and this is, in truth, acknowledged by those, who support this motion, in allowing, that the really disaffected party in Ireland are the most violent in their demands for its immediate entertainment.

In my humble opinion, therefore, Sir, this question will be most wisely and safely postponed; and, although I cannot pretend to know whether it may be consistent with the forms and usages of this House, I cannot help most anxiously wishing that a resolution might be entered upon its Journals, that this House would

take the subject into its most serious consideration on the establishment of peace. Sir, I think that many beneficial consequences would thus ensue. We should have the whole subject, in all its bearings, fully before us. It would then be discussed without jealousy, without apprehension; and the result must be more satisfactory to the empire at large. I know of no one inconvenience, on this fair understanding, which could arise from the postponement of the question. The Protestants have given an ample pledge of their favourable dispositions to the Catholics, by the removal of disqualifications, which have already taken place. The Catholics have, on the other hand, given an equally solemn pledge, by the acknowledged loyalty of their conduct, and by the zeal, with which they enter into our fleets and armies, and the gallantry, with which they shed their best blood in the common cause of the empire. Then, Sir, when peace shall once more be established, when the irritation and soreness produced by this protracted war shall be done away, when the power and continental influence of the Pope shall be known and ascertained—then, Sir, may this important subject be safely and wisely entered upon—when the Protestant, the Catholic, and the Dissenter, may cordially and heartily unite in the accomplishment of that most important work, a general identification of the interests of every class and description of his Majesty's subjects.

Viscount *Palmerston.*—Sir, I feel reluctant to obtrude upon the House, at this late hour, but I cannot suppress my anxiety not to give a silent vote upon this question. I shall certainly support the motion of the right hon. gent. but, on a question upon which there are so many shades and gradations of opinion, among those who will generally concur in their vote on the resolution, I am desirous not to be misunderstood as to the extent of opinion, which my vote will express.

I certainly am aware that the pledge of the last parliament is not binding on the present, yet, considering the preponderating majority, by which that pledge was given, I do not see so great an alteration in the composition of the House, as to expect a difference in the decision of the aggregate. But has any thing occurred, since that pledge, which ought to change the opinions of individuals? I think not. Is it in the conduct of the Catholics? Did not the last House make their pledge in the face of declarations, on the part of the Catholics, more violent and intemperate, and more remote from conciliation than any act of theirs since, I had almost said, than any act of theirs, before that time? The House acted wisely in so doing and with becoming dignity. If the question is fit to be entertained, it is so upon public grounds, and on considerations of general expediency; and the House I hope will never allow itself to be deterred from adopting measures, which have such objects in view, by the intemperate conduct of a few turbulent individuals. But the table is covered with petitions from the Protestants of the empire. I should be the last man in the House to say that the opinions of constituents, expressed in such petitions, are not intitled to the greatest deference and respect; but the form of the constitution is representative, and by it the duty and the responsibility of deliberation and decision, rests with the House, and not with the people at large; and honourable members would ill perform their duty, towards those who sent them here, if, when they have, upon full and mature consideration, made up their minds, upon a great and important question like the present, they hesitate to act upon their honest conviction, even though they should unfortunately differ in opinion with those whom they represent in this House.

Athough I wish the Catholic claims to be considered, I never will admit those claims to stand upon the ground of right. To maintain that the legislature of a country has not a right to impose such political disabilities upon any class of the community, as it may deem necessary for the welfare and safety of the whole, would be to strike at once, at the fundamental principles, on which civilized government is founded. If I thought the Catholics were asking for their rights, I for one would not go into the committee. What, would it be becoming for the British parliament to say to the Catholics, we allow that what you ask of us are only your just and natural rights, but we will not freely and liberally grant them: we will go into a committee to barter with you, for the concession of these admitted rights, to see under what conditions, with what modifications, and subject to what restrictions these rights can be sanctioned by us? Such conduct would at once be inconsistent and unjust; I wish the few honourable members who

maintain this doctrine of right, to weigh well all the consequences, to which it is calculated to lead.

Putting this question, however, entirely upon the ground of expediency, I cannot concur with those who think that they have proved the expediency of continuing the Catholic disabilities now, by shewing that they were necessary in the times, when they were originally imposed. These disabilities are not the rule of the constitution, but an exception from that rule; their necessity, in one century, is no evidence of their expediency in another; and it is as much incumbent upon those, who now contend for their continuance, to shew that they are required, for the present security of the state, as it was upon those, who first framed them, to prove the necessity of their original enactment.

But, what are the dangers which have been anticipated from a repeal of this system? I am happy to find that, in this debate at least, little stress has been laid, by the opposers of the motion, upon the dangers, which would result, from admitting Catholics into the higher ranks of the army and navy. That advanced position they have been pretty nearly compelled to evacuate. Such an alarm indeed seemed founded upon no intelligible grounds. It rests the existence of danger, not upon the nature of the power entrusted, but upon its degree. Upon what rational principle can it be said to be safe to entrust a Catholic with the command of a regiment, but utterly dangerous to place him at the head of a brigade? That the lower orders of the Catholics who, from want of education and their station in life, must necessarily be more easily worked upon by improper influence, may safely be entrusted with arms or the possession of our ships, but that it is dangerous to place the same confidence in men, in the higher ranks of life, who, from the advantages of superior education, more liberal and enlarged ideas, and a higher sense of professional honour, have so much stronger claims to be trusted. In the law too, few persons have, of late, contended that any danger would result from permitting Catholics to aspire to the honours of their profession. That indeed is, of all others, the profession, which it seems the least expedient to allow men to enter, without having a fair career opened to their ambition.

The great stand has been made, upon the admission of Catholics into the two Houses of Parliament; and the danger apprehended is, that they will influence the decision of the Houses in some vote which might, directly or indirectly, affect the Protestant establishments of the empire. Now how does this stand? In the House of Lords their numbers must, of necessity, be too small to have any effect upon the decisions of that body. In the House of Commons, the number would undoubtedly be greater, but would still bear so very small a proportion to the whole, as to render it absolutely impossible for them to carry any such point by themselves. Now I beg to say that I am inclined to think, that Catholics, coming into this House, would, much in the same way that Protestants do, range themselves under the banners of the different political parties, which might exist, within its walls, according as they might be influenced by considerations of personal connection or political feelings; but, supposing, for the sake of argument, that they move in one compact mass, directing all their efforts to the attainment of this particular object; by themselves they would be powerless; they must then bargain with some great Protestant party, and barter their aid in the contest, for the concession of their object, when the victory should be gained. Now I know well that, in a popular constitution like ours, when conflicting parties are nearly balanced, when all the passions of the mind are roused, and the prize to be fought for is nothing less than the direction of the affairs of a great and mighty empire, men may be led to make large sacrifices at the shrine of political ambition. The history of the country, unfortunately, is not without such examples. But whatever may be the errors of individuals, I never can bring myself to believe, that there would, at any time, be found, in this House, a sufficiently powerful and numerous Protestant party, so profligate in principle, and so deaf to a sense of every thing, which would be due to themselves and to their country, as to barter away the religious establishment of any part of the empire, for the gratification of political ambition. But supposing again this combination of improbabilities to occur, and such a vote to be extorted from that House, I trust that there would still be found, in the other House of Parliament, in a Protestant sovereign, and, above all, in the indignant feeling of a betrayed people, barriers, amply sufficient, to pro-

tect the Protestant establishments of the empire, from profanation by such sacrilegious hands.

I do not think, then, that a case of danger has been sufficiently made out; but if I think there is no real danger in the removal of these disabilities, accompanied by such other corresponding regulations as the House may ultimately adopt, I do think there is both inconvenience and danger in the continuance of the present anomalous state of things. We have gone too far to stop where we are; if it had been intended, for ever, to debar the Catholics from any share in the honours of the constitution, they have been too largely admitted to its civil privileges; it is not in human nature to be satisfied, when so near the attainment of its wishes. We cannot, under these circumstances, hope to derive those advantages from the Catholics, as members of the community, which otherwise we might expect. We have, in the bosom of the empire, a large mass, considerable by its numbers, by property, by rank, by talent, and activity, but separate in its feelings, distinct in its interests, circumscribed and cut off from the rest of the community, by an impassable line of demarcation. Is this a desirable state of things? can we be said to have, at our command, the full natural resources of the united empire? I do not mean to palliate or defend the conduct of the Catholics; it has been most reprehensible. To their own violence and intemperance they may ascribe many of the difficulties which they still have to encounter. But is the course, which has been so long pursued, with regard to them, wise and beneficial for the country? that is the real question for the House to consider. Is it wise, for instance, to say to any set of men, that they may enter, it is true, the army and the navy; but, whatever may be the bravery and talents they may display, however brilliant the achievements they may perform, they must remain in the inferior ranks of the service? Can we hope, from such men, the full stretch of exertion to which, by proper incentives, they might be led? Is it wise again to admit men to the profession of the law and forbid them to aspire to its honours? Might not the knowledge and habits of business, so acquired, sometimes be perverted to mischievous purposes? might not the activity or ambition, which is cherished in one direction, break out in another? If men feel that they cannot hope to rise to professional honours, may they not be tempted to gratify their love of distinction by becoming the leaders of a faction? I do not say that such things would, but undoubtedly they might be.

Is it wise to say to men of rank and property, who, from old lineage or present possessions have a deep interest in the common weal, that they live indeed in a country where, by the blessings of a free constitution, it is possible for any man, themselves only excepted, by the honest exertions of talents and industry, in the avocations of political life, to make himself honoured and respected by his countrymen, and to render good service to the state; that they alone can never be permitted to enter this career? That they may indeed usefully employ themselves, in the humbler avocations of private life, but that public service they never can perform, public honour they never shall attain? What we have lost by the continuance of this system, it is not for man to know. What we may have lost can more easily be imagined. If it had unfortunately happened that by the circumstances of birth and education, a Nelson, a Wellington, a Burke, a Fox, or a Pitt, had belonged to this class of the community, of what honours and what glory might not the page of British history have been deprived? To what perils and calamities might not this country have been exposed? The question is not whether we would have so large a part of the population Catholic or not. There they are, and we must deal with them as we can. It is in vain to think that by any human pressure, we can stop the spring which gushes from the earth. But it is for us to consider whether we will force it to spend its strength in secret and hidden courses, undermining our fences, and corrupting our soil, or whether we shall, at once, turn the current into the open and spacious channel of honourable and constitutional ambition, converting it into the means of national prosperity and public wealth.

I shall, therefore, go into the committee with an anxious and sincere desire that its deliberations may lead to some arrangement, which may be final and satisfactory on this subject. But I shall go into the committee free and unfettered by any pledge, and holding myself at liberty to decide for myself upon whatever propositions may there be suggested.

Mr. *Hart Davis*, jun. (member for Colchester) rose and said:

Sir; I consider the opinions of the House, with respect to the merits of the question, to be divided into several distinct and separate classes. There are those, who think that the Roman Catholics ask nothing more than they have a perfect right to demand, and who are, therefore, desirous of going into a committee, to grant every thing required of them. Others consider the question as one of expediency rather than of right, and, under this view of the subject, think it political and advisable to grant the claims of the Catholics, under sufficient securities to the church and the constitution. These honourable gentlemen are desirous of going into a committee, at all events, urging that, when the House has come to this determination, it will be seen what securities the Catholics are willing to grant, and if these appear to the House not sufficient, it will then be time to refuse their petition. There appear to be those also who think that, by going into a committee, and by giving the subject every requisite consideration, they should amply prove, to the Catholics, that they are not actuated by any blind prejudices, in refusing to accede to the prayer of their petition, and that, by this ample investigation, they should be able to shew the Catholics themselves the impracticability of the measure so clearly, as to put the question finally at rest.

There is yet another class, differing from all the rest, in the main question under consideration, that of going into a committee. They agree indeed with those, who wish to canvass the claims, rather on the plea of expediency than of right: but from this slight agreement of premises, the conclusion they arrive at is widely different; for they consider the grant, so entirely inexpedient, that, even the agitation of the subject is unadvisable.

To those who conceive the Catholics to be demanding only what they have a right to demand; that their birthright is, and has been, unjustly detained from them; that, in fact, without this emancipation, as it is called, the Catholics are virtually only a species of slaves,—I can only state, that my opinions are directly opposed to theirs. Indeed a right hon. gentleman, whose ability has been so generally complimented, whose argumentative eloquence so astonished the House, on the first night's debate, refused to concur in many of the violent arguments, urged by those, who spoke on the same side of the question with himself. He has refused to concur in the doctrine, that securities are not to be required from the Catholics. On the contrary, he has agreed to the right and necessity of demanding just and strong securities for the establishment, in return for the proposed grant.

This would lead me to consider the opinions of those, who seem inclined to vote for going into a committee; some, without any expectation of being able to carry that vote farther, whilst others are desirous that the claims should be only partially conceded, and who expect that the Catholics may be induced to agree to the establishment of those safeguards necessary to be obtained in the execution of the projected measure. To these gentlemen I appeal for a candid, for a favourable hearing. These I intreat to weigh well the importance of the step they are about to take; to approach with caution, the precipice, near which they stand.

Many of those, desirous of going into a committee, are by no means sanguine in their expectations of a final adjustment. Many there are who think with me, that the Catholics, encouraged by their eloquent advocates in this House, relying on the entire right, which they have been taught to consider as attached to their cause, will refuse to retract any of their demands; will determine to be satisfied with nothing short of the whole. Should this be the case (and I firmly believe that, if ever the House is induced to go into a committee, on this subject, it will prove to be the opinion of the majority of the Catholics) what would be the conduct of those honourable gentlemen to whom I have immediately alluded? Unquestionably they will see the necessity of withholding the grant, which, they before considered, might possibly be made. Finding themselves deceived in their expectations, they would immediately see the propriety of voting against the fulfilment of a measure, for the consideration of which they had before given their suffrage. One advantage certainly might arise out of going into the proposed committee. The country might then see that the Catholics would be satisfied with nothing short of the whole of their demands, so plainly, that the necessity of all future discussion would be obviated, because it would manifestly be useless. This trifling advantage, however, would be infinitely overbalanced by the evils, which would arise out of the measure. The Catholics, who are now eager

and sanguine in their expectations, would, on the House going into a committee, be satisfied of their ultimate success. They would have gained one important step, for which they have so long been labouring in vain. Hope, already raised to expectation, would instantly be increased to ideal certainty. They would consider the Rubicon as passed, and retreat, on the part of parliament, impracticable; and if they are now unwilling to concede any favourite point, is it probable that, buoyed up by a partial success, relying on a fancied security, they will suddenly become more humble or more conciliating? If it is now adduced as an argument, in favour of the claims, that it were unsafe to refuse them, with how much greater force would it be urged, when the expectations of the Catholics have been raised to a higher pitch, and consequently when a refusal would rouse sensations doubly bitter!

I am not now addressing myself to those honourable gentlemen, who are willing to go all lengths; who think every thing should be conceded, without security, to the Catholic claimants. To such persons, indeed, every such argument would be an inducement to go into the Committee, in order that expectation might be raised, amongst the Catholics, to the highest pitch; because they know that, in this case, their wishes would be more nearly accomplished, that arguments, at present urged, on the plea of expediency, might then assume the dictatorial tone of stern necessity. They might then say, "Thus far have you gone, recede now at your peril." To such persons therefore, it is naturally seen, that I do not address myself. I raise my voice, humble as it is, to caution those who have not determined to allow unlimited concessions, or those who have not made up their minds on any concession whatever, against running blindly into a measure, the consequences of which they have, perhaps, not fully considered. In avoiding Scylla they should take care lest they be hurried into Charybdis. In endeavouring to conciliate the Catholics they should at least beware of forging a weapon, which might be turned against themselves, the moment they endeavour to stop, thinking concession had gone far enough. They should at least ascertain that the Catholics would be fully satisfied, with the grant proposed, before they commence conceding; for is it to be supposed that men, whose disaffection is, at this moment, said to be apprehended by their friends, if some measure is not brought forward in their favour, would fail to urge their claims, in the same powerful manner, whenever they choose to demand the completion of their wishes? If, therefore, danger is to be apprehended, whenever a claim is refused from this quarter (and all those even who are moderate friends of the Catholics, agree that a stand must be made somewhere) the House will do well to meet it boldly, in the outset. They should stem the torrent near its source, lest, by the prolongation of its course, it should increase in rapidity, in size and in power.

Perhaps it may be urged, that, going into a committee, is, in itself, conceding nothing; that, in fact, it is only considering whether concession should be made or not. But it should be remembered that this step is one, for which the Catholics and their supporters have long been effectually contending. It is the first stone of the building; it is an outwork of the fortification, the taking of which, although it may not ensure the overthrow, at least endangers the security of the citadel. If those, who have not made up their minds for unlimited concession, or if those, who have not determined on any concession to the Catholics, should now vote for going into a committee, the one, in the vague idea of producing a reciprocity of concession, on the part of the Catholics, the other hoping to conciliate them by a more candid examination of their claims, the former may find, too late, that partial concessions are only the stepping-stone to further exactions—the latter, that the encouragement of expectation, when it is not finally realized, instead of conciliation, produces an increase of animosity. I trust, therefore, that the former will not rush into a committee, with so little prospect of arriving at a satisfactory conclusion, whilst the latter will hardly be so infatuated as to assist the plans of their opponents, by agreeing to go into this proposed committee, in the vain and weak hope of satisfying the Catholics, by a mere momentary shew of acquiescence.

Mr. *Henry Lascelles*.—Sir, the subject, now under discussion, has been so fully debated, for several years, that I shall confine my observations solely to what appears, to me, to be the result. The House is now required to go into a committee, with a view to a conciliatory adjustment of the Catholic claims; but before I can consent to go into a committee, some practi-

cal plan must be shewn. Notwithstanding this subject has been so long under consideration, it does not appear, at this moment, that any such plan is in existence. Three propositions, however, seem to be established: namely, that all parties in the House agree that securities ought to be given to our establishments; that the Catholics have distinctly declared, that they will not agree to grant such securities; and that no one individual, in the House, has reasonable ground for concluding, that any satisfactory arrangement can be made, in the committee.

It has been stated in the course of this debate, by an hon. member, whose authority upon this subject is great, that use has been made of the Catholic question in Ireland, by the disaffected, and those who wish to render it instrumental towards the disunion of the two countries. I must observe, that I should have considered a disclaimer of such proceedings, by the sound part of the Catholics, as indicatory of a conciliatory disposition; I could have wished that such disclaimer had taken place. For my own part, I cannot foresee any circumstance, which can ever induce me to agree to refer the consideration of this great question to a committee, before some specific plan shall be offered, upon which the committee shall act.

I feel the greatest respect for the Catholic body, and shall be as forward as any man in the House, to assist in relieving them from any real grievances of which they may have to complain; so far as I may be enabled to do so without risking essential principles of the constitution; and, in my opinion, the most satisfactory mode of effecting these points, is to discuss them in the shape of bills.

Much has been said upon the subject of the numerous petitions, which have been presented to the House, against the claims of the Catholics, and I own myself astonished at the doctrines now laid down by those very gentlemen, who, only a few months ago, were foremost in declaring, that, when the public mind is agitated, great allowance is to be made for the manner in which petitioners may express themselves; but it now appears that this liberality is meant to attach upon those only who agree with them in sentiment. Not only the petitioners have, upon this occasion, incurred the disapprobation of those honourable gentlemen, but the whole body of the clergy, because they have been found active in conscientiously endeavouring to support and maintain the ecclesiastical establishments of this country.

Impressed as I am with the conviction that no satisfactory result will arise from going into a committee, in the present disposition of the Catholics, as evinced by the resolutions and proceedings, lately adopted and published, by that body; and as no specific plan has been offered, for the adoption of the committee, which seems calculated to satisfy either the Catholics or the Protestants, I feel myself compelled to give my decided opposition to the motion of the right hon. gentleman.

At two o'clock in the morning the House, on the motion of Mr. Ponsonby, adjourned.

HOUSE OF COMMONS.

Tuesday, March 2.

Letter from the Princess of Wales to the Speaker.] Immediately upon the meeting of the House,

The *Speaker* rose, and stated, that he felt it to be his duty to inform the House, that he had received yesterday, while seated in the chair of that House, a Letter, purporting to come from her royal highness the Princess of Wales, and which it was expressed to be her wish should be communicated to the House. The Letter, however, being without date, and having been delivered to one of the messengers at the door of the House, the Speaker did not think that it came to his hands in such an authenticated form as warranted him in laying it before the House. This day he had felt it incumbent on him to ascertain whether the Letter was authentic or not, and from those enquiries, and from a letter which he had this day received from her royal highness the Princess of Wales, acknowledging that the letter of yesterday came from her, and enclosing a duplicate of it, he had now no longer any reason to doubt the Letter's being authentic. With the permission of the House, therefore, he should now, if it was their pleasure, read the Letter he had received this day, with the duplicate of the Letter of yesterday inclosed in it.

The Letter of this day, and its inclosure, were then read, as follow:

"*Montague House, Blackheath, March 2d,* 1813.

"The Princess of Wales by her own desire, as well as by the advice of her coun-

sel, did yesterday transmit to Mr. Speaker a Letter which she was anxious should have been read without delay to the House of Commons, and the Princess requests that the said Letter may be read this very day to the House of Commons:—the Princess of Wales encloses Mr. Speaker a duplicate of the Letter alluded to.

"*Montague House, Blackheath, March* 1*st*, 1813.

"The Princess of Wales informs Mr. Speaker, that she has received from the lord viscount Sidmouth a copy of a Report made to his royal highness the Prince Regent, by a certain number of the members of his Majesty's privy-council, to whom it appears that his Royal Highness had been advised to refer the consideration of documents and other evidence respecting her character and conduct.

"The Report is of such a nature that her Royal Highness feels persuaded no person can read it without considering it as conveying aspersions upon her; and although their vagueness renders it impossible to discover precisely what is meant, or even what she has been charged with, yet as the Princess feels conscious of no offence whatever, she thinks it due to herself, to the illustrious Houses with which she is connected by blood and by marriage, and to the people among whom she holds so distinguished a rank, not to acquiesce for a moment under any imputations affecting her honour.

"The Princess of Wales has not been permitted to know upon what evidence the members of the privy council proceeded, still less to be heard in her defence. She knew only by common rumour of the enquiries which they have been carrying on, until the result of those inquiries was communicated to her; and she has no means now of knowing whether the members acted as a body to whom she can appeal for redress, at least for a hearing, or only in their individual capacities, as persons selected to make a report upon her conduct: the Princess is therefore compelled to throw herself upon the wisdom and justice of parliament, and to desire that the fullest investigation may be instituted of her whole conduct during the period of her residence in this country. The Princess fears no scrutiny, however strict, provided she may be tried by impartial judges known to the constitution, and in the fair and open manner which the law of the land prescribes.

"Her only desire is that she may either be treated as innocent, or proved to be guilty.

"The Princess of Wales desires Mr. Speaker to communicate this letter to the House of Commons."

After a short pause, without any inclination being evinced on the part of any other member to address the House,

Mr. *Whitbread* observed, that the letter which had been just read by the Speaker, could not fail, not only to interest every person who had heard it, but to appear to all to be of such importance as to require the immediate attention of the House. He apprehended it was impossible that such a communication could be made from so high a quarter, and suffered to pass with being simply read, in silence. He had waited until a noble lord opposite, a minister of state, one of the confidential servants of the crown, when her royal highness the Princess of Wales's conduct was formerly taken into consideration, by that part of his Majesty's most honourable privy council, particularly and popularly designated under the name of the Cabinet, and who must have been one of that body of privy counsellors, to whom the consideration of her Royal Highness's conduct had recently been submitted — he had waited until he saw that noble lord take his place (an intimation, as he presumed, that it was not that noble lord's intention to make any proposition on the subject), before he had risen to address the Chair. Not seeing any other hon. member disposed to proceed in the business, he wished to ask the noble lord, whether it was his intention to call the further attention of the House to her Royal Highness's Letter.

Lord *Castlereagh* replied, that no person could feel more thoroughly than himself the importance and delicacy of the present subject. But, as a notice was entered in the order book, of a motion at no further distant period than the day after to-morrow, relative to her royal highness

the Princess of Wales, it did not appear to him to be necessary, at present, to enter on the transaction alluded to. Whatever delicacy he might entertain on the subject, when the proper day should arrive necessity might probably impose on him the obligation of fully explaining all the circumstances of the case. But he trusted that the House would agree with him that he had fulfilled his public duty in not anticipating the expected discussion.

Mr. *Whitbread* enquired if the hon. member who had given the notice (Mr. Cochrane Johnstone) was in the House. If so, he trusted that he would enter into some explanation on the subject. The Letter which had been read by the Speaker, avowedly originated with her royal highness the Princess of Wales. The hon. member who had given notice of a motion relative to her Royal Highness, could alone say whether he was authorised by, or whether he acted in concurrence with her Royal Highness. He (Mr. W.) apprehended not. As it appeared that the hon. member was not in the House, it might be expedient, that when he came, he should be requested to declare whether his motion was or was not founded on any understanding with her Royal Highness. If the hon. member should state that he had no authority from her Royal Highness, it would then be for the House to decide on the propriety of taking her Royal Highness's communication into their most serious and deliberate consideration (as he trusted they would), independently of a notice with which it would appear to be wholly unconnected. Here the conversation dropped.

MR. GRATTAN'S MOTION FOR A COMMITTEE ON THE CLAIMS OF THE ROMAN CATHOLICS—ADJOURNED DEBATE.] The House, according to order, resumed the adjourned Debate upon the motion made upon Thursday last, "That this House will resolve itself into a Committee of the whole House, to take into its most serious consideration the state of the Laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the united kingdoms, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects."

Sir *Henry Parnell* rose and addressed the House as follows:

Sir; the speech of the right hon. gentleman who spoke second in the debate last night (Mr. Pole), was not less creditable to him for its candour and sincerity, than deserving the attention of the House, inasmuch as he is a most competent witness to all the leading points of the question. He has said that the whole Catholic body, even the very poorest of them, are anxious for emancipation; that the sense of the Protestants of Ireland is in favour of it, and that we are now come to that point, in consequence of the increased knowledge and riches of the Catholics, at which we must make up our minds, either to concede what they ask, or to re-enact the penal code and prepare for a rebellion.

A right hon. gentleman (Mr. Ryder) has, like many others who preceded him, founded his opposition, in a great degree, upon the language and resolutions of the Catholic board. If, however, there were any thing, in that language, expressing soreness under grievance, or impatience to obtain redress, the Catholics have learnt it from your own history. If their language has been violent or intemperate, it has been taught them, either by the doctrine or the example, certainly by the provocation of their opponents. But great allowances should be made for the circumstances of irritation, under which this board was formed, the circular letter of the Irish Secretary; the proclamation of the Lord Lieutenant; the arrest of lord Fingal; the trials of the delegates; and the speech of the Attorney General, imputing treasonable intentions to the whole Catholic body. But the circumstance which should be most attended to, occurred immediately prior to the resolutions, which are the most condemned—the negociation for forming a new administration, which continued a whole month, and the Regent's having acceded to the emancipation of the Catholics, as a part of the basis of the proposed arrangements.

The Catholics must have been more than men, to have borne the result of it, the restoration of their opponents to power, in silence and satisfaction. But whatever may have been the impropriety of the language of the Catholics, it has nothing to say to the question; we are not to legislate upon this local and narrow view of the subject, but upon those great principles of wisdom and justice, which

direct us to take the whole of the case under our consideration, and adopt one general and comprehensive measure.

A right hon. member (Mr. Ryder) has asserted that the sense of the people is decidedly hostile to the Catholics; but this does not appear to be the case from the Petitions. Four counties only have met by public requisition; one of these, Cornwall, has said that enquiry ought to be gone into; and another, Wiltshire, refused to oppose the Catholics. Nine counties have sent only one Petition each, from one town in each; three counties have sent two; three counties have sent three; and two counties more than four, from towns within them, signed by the laity. Twenty-three Petitions come from corporations. From twenty English counties, five Welsh counties, and all Scotland, there is not one Petition from the laity. The just inference, therefore, is, that the sense of the people is decidedly in favour of the Catholics. Of the manner in which these Petitions have been obtained, it is only requisite to call to the recollection of the House, that the Third Part of the Statement of the Penal Laws was read, and believed to be an authentic work, during the whole time that these Petitions were preparing and deciding upon. In regard to the matter contained in them, this is of much more serious importance, as it indicts a whole community of professing treasonable principles, and teaches the people of England to form false notions of the nature of the constitution. By so doing, it leads them astray, from taking a right course, in case its safety should really be endangered by an attempt to subvert it.

But before entering on any examination of the contents of these Petitions, it is fit to enquire whence the necessity arises, of again discussing the obnoxious tenets which are imputed to the Catholics. Every one, who was present at the debate, when a right hon. gentleman (Mr. Canning) made his motion, last session, must well remember that the only point at issue was, whether or not any conditions should be annexed to the concession? The House would not have listened to any member, who might have wished to revive these charges. A right hon. and learned doctor seemed to have made his dying speech, in the preceding debate on the Catholic Petition. He had actually retired from the contest, as if wholly and for ever overthrown by the incessant and well directed attacks of an hon. baronet (sir J. Cox Hippisley). But now we have, again, imposed upon us the task of resuming a discussion of antiquated doctrines and exploded calumnies, of that rubbish, as it was called by Mr. Burke, that nuisance, which he supposed to have been removed, even when writing, in 1795; of those accusations, which, even the corporation of the Protestant charter schools in Ireland have abandoned, by suppressing the catechism which taught them; of those doctrines which lord Liverpool disclaimed in 1810, and which Mr. Perceval allowed, in his last speech on this subject, were never, in any degree, the grounds of his opposition.

All this we were again called upon to re-argue, when this debate began; but it would appear that we have once more gained our advanced position; for the arguments, which have already been advanced, have put to flight the whole bench of ministers, who seem unwilling, any longer, to hear what may be said in favour of the motion, because they are utterly incompetent to answer or refute it.

If we examine what the causes are, which have given so much confidence to those who have lately revived a clamour against the Catholics, we may discover the *fons et origo mali*, by referring to the history of the last thirteen months. The secondary causes have been the Charges of reverend prelates, and the activity of the inferior clergy.

It seems, the bishop of Lincoln has considered the church to be in such imminent danger, as to justify him in delivering to his clergy, at a triennial visitation, what, to some, may appear, a bad political pamphlet, in place of a pious and religious Charge,—a pamphlet full of unfounded statements, exaggerated inferences, and inaccurate quotations; charging, on the whole body of Catholics, the profession of principles, incompatible with their duty as good subjects; and calling the rebellion of 1798, a Catholic rebellion. If similar charges had been brought against an individual Catholic, the consequences must have been the conviction of the reverend prelate for a libel. That this must have been the case is evident, from the fate, which befel a work, entitled a "Fair Representation of the Political State of Ireland." The author of which did try the experiment, of making similar charges against a Catholic gentleman of the name of Latin. Mr. Latin brought an

action against the publisher, Mr. Wright: lord Kenyon told the jury it was an atrocious libel, and 500*l.* damages were given to Mr. Latin. If the crime of libel consists, in its tendency to disturb the public peace, how much more deserving of punishment is the reverend prelate, for having directed his Charge against a whole people? But though the laws may be inadequate to reach the precise description of offence, which he has committed, is the reverend prelate to escape with perfect impunity? We are told that parliament, in such cases, may interfere and provide for their defect; would it not then be but common justice to the Catholics, to make this publication of the reverend prelate the subject of a distinct motion?

Of the several petitions, which have been laid upon the table, many of which have evidently been framed on the model of this reverend prelate's Charge, there is one which peculiarly deserves attention:—that from the town of Huddersfield, in which a rev. Mr. Coates took a leading part. This petition contains a paragraph stating that the Catholics hold it to be a praiseworthy act to murder a heretic;—a more unfounded, a more uncharitable, or a more unprincipled accusation never was advanced by any other body of men. Such a petition, containing such a charge, ought not to be allowed to lie on the table, without further examination; for if the charge could, by any possibility, be true, it is due to the public to provide against the danger which threatens the state: but if it is false, then it is due to the Catholics to give them an opportunity of exposing it. If the House should take no further notice of it, it would lend its sanction to converting the right of petitioning, into a ready instrument of calumny and defamation.

The cry of the danger of the church is not now set on foot for the first time, by the clergy of this country. Such an occurrence took place in the reign of queen Anne: in that reign, both Houses of parliament took up the subject and voted that the church was not in danger, and addressed the queen to punish the authors of the scandalous reports, and publications, which were then forced into circulation. Bishop Burnet gives the following account of what passed in parliament on that occasion:

"On the day appointed we were all made to believe, that we should hear many frightful things; but our expectations were not answered; some spoke of danger from the presbytery, that was settled in Scotland; some spoke of the absence of the next successor; some reflected on the occasional Bill, that was rejected in that House, &c.

"In opposition to all this it was said, that the church was safer now than ever it had been: The toleration had softened the temper of the dissenters and they concurred zealously in serving all the ends of the government, &c.—In one respect it was acknowledged the church was in danger; there was an evil spirit and virulent temper spread among the clergy: there were many indecent sermons preached on public occasions. This was a danger created by those very men, who filled the nation with an outcry against imaginary ones, whilst their own conduct produced real and threatening dangers."*

This state of things every unprejudiced mind must allow to be extremely applicable to the present day; may it be deeply reflected upon, and produce its proper influence in causing those to repent, who have been so forward in calling into action the worst and most dangerous passions of mankind.

The observations, which had been made by a right hon. gentleman (Mr. Yorke) in regard to marriages, are not correct; for no difficulty whatever prevails in Ireland, in consequence of the mixed religions of that country. To prove this it will be sufficient to quote the Statement of the Penal Laws; to this work, as one of high legal and practical authority, on such a point, no objection can be made, whatever some persons may think proper to say, in regard to its general political character.

The author of it says,—"The marriages of Catholics by Catholic priests have never been prohibited or restrained in Ireland; they have been always recognized in courts of justice as perfectly valid; in those cases where the actual fact of the marriage of two Catholics is necessary to be established, proof of its solemnization by a Catholic priest is held to be sufficient."—"The marriage code of Ireland is perfectly clear and intelligible."

The same right hon. gentleman has dwelt very much on the great influence, which the Pope now possesses. But it is rather unfortunate for his argument that

* See the new Parliamentary History of England, vol. 6, p. 516.

the first part of his case consisted in the strongest possible proof of his weakness; his captivity, by Buonaparté, without any remonstrance on the part of a single Catholic country in Europe. The right hon. member mentioned what occurred in 1791, in respect to the oath, contained in the act, passed in that year, for the relief of the English Roman Catholics, as evidence of his influence in this country; but his whole statement on that subject, has been shewn to be incorrect, by the hon. baronet, whose explanation, in a note to his printed speech of last year,* and repeated again in this debate, ought to lay at rest, for ever, the charge, which is manufactured against the Catholics, and confidently urged and re-urged against them out of this transaction.—The next proof of the right hon. member, of the modern influence of the Pope, is equally void of foundation. He has said that the Irish Catholic bishops were induced, by the Pope, to make the Irish Catholic laity enemies to the Veto—a more incorrect opinion never was formed.—It is notorious that the opposition to the Veto began among the laity, and that the bishops were induced by them, to suspend their own judgment on the subject, as formerly expressed in their resolutions of 1799.

In regard to the obnoxious tenets which are still imputed to the Catholics, it would save a great deal of time and controversy, if the House were to decide, by a preliminary question, on some rule of evidence by which the enquiry should be governed; whether scraps of pamphlets, paragraphs of newspapers, and assertions of individuals, are to be preferred to the writings of eminent Catholic divines,—the resolutions of the Irish bishops,—the opinions of Popes, the answers of the six Foreign Universities, and the oaths required to be taken, and actually taken, by all Catholics, by the acts of 1773, 1791, and 1793.—If the House should, in its wisdom, declare that the testimony of the first series of proofs is preferable to the latter, they the Catholics may give up the contest, and submit to their fate; but if it shall determine on those principles of common sense and justice, which usually govern its judgment, the controversy about their tenets must cease, and, so far as the religious principles of the Catholics are in question, it must be allowed that there is nothing in them incompatible with those principles of liberty and loyalty, which are necessary for the preservation of our constitution.

As, however, no such preliminary arrangement has been made, and as these obnoxious tenets are, even to this hour, industriously ascribed to the Catholics, it is still necessary to produce further matter to disprove them, in addition to that, which has already been urged in this debate. It is true, a learned and right hon. doctor who has just left the House, has not, nor has any other member, stated what he asserted against the Catholics last year, that the Irish bishops took an oath of fealty to the Pope; but this fact is repeated in lord Kenyon's recent publication—"Observations on the Roman Catholic Question:"* a publication formed out of the speeches of the learned doctor. It therefore becomes necessary to repeat, what was said, on this point, last year, by the hon. baronet, to set this head of charge to rest, namely, that the oath has been altered, and the oath, used in Russia, adopted in place of that oath, to which the observations of the learned doctor and noble lord are, if at all, applicable. As the alteration took place with the consent of Pius the 6th in the year 1791, it bespeaks a strong inclination on the part of the learned doctor and noble lord, not to be very nice in their selection of instruments for opposing the Catholic claims. The new oath concludes with these words,—"I will observe all and every one of these things the more inviolably, as I am firmly convinced that there is nothing contained in them, which can be contrary to the fidelity I own to his most serene highness the king of Great Britain and Ireland, and to his successors on the throne."

As to the charge, so often, so loudly, and so confidently brought against the Catholics, of their great intolerance, and which is founded on their doctrine of exclusive salvation, whoever has taken the trouble of examining the true character and meaning of this doctrine, will allow it is a charge altogether devoid of foundation. In justification of this charge, the Catholics are able to say, all the reformed churches lay down the same principle. Calvin writes (64 Inst. c. 1,) "Extra ecclesiæ gremium nulla est speranda peccatorum remissio nec ulla salus." The same doctrine is taught in the profession of faith of Strasbourg, presented to Charles

* See Vol. 22, p. 776.

* Fourth Edition, published by J. J. Stockdale, Pall Mall.

5 in 1530; in that of Switzerland in 1566; in that of the Low Countries; and in that of Scotland in 1647. It is also to be found in the 18th of the 39 Articles, which is as follows:—"They are also to be held accursed, that presume to say, that every man shall be saved by the law or sect which he professeth, so that he be diligent to frame his life according to that law and the right of nature. For holy scripture doth set out unto us only the name of Jesus Christ, whereby man must be saved"—Moreover the church of England openly professes the same doctrine, as often as, in her service, she recites the Athanasian creed, which concludes in these words: "This is the Catholic faith, which whoever does not faithfully and firmly believe, he cannot be saved."

But the Catholics do not rest their defence against this charge, barely upon the practice of the reformed churches, but deny the inference of intolerance as not justly belonging to their avowal of this general principle. To maintain this, Dr. Hawarden published a work entitled, "Charity and Truth, or Catholics not uncharitable in saying that none are saved out of the Catholic Church."—He gives the following quotation from the great authority of St. Augustine.

"If they, who hold an opinion in itself false and perverse, maintain it with no pertinacious obstinacy; if they have not been misled by their own presumptuous audacity, but have received their error from seduced or lapsed parents; if they be serious and diligent enquirers after truth, and manifest a disposition to yield to it, when found by them, such persons are on no account to be set down as heretics."

In a word, it may be collected from this and all other writers, that the Roman Catholic holds, that every person is received within its pale by baptism, by whomsoever administered:—That involuntary error is not exclusive; and that the church has its concealed children in the sects separate from its unity.

If any thing farther be wanting to repel the charge of intolerance brought against the Catholics, it may be found in this historical fact. When the Bill, for re-admitting the Protestant bishops into the House of Lords, was before that House in 1641, 26 Catholic peers voted for it.

The right hon. gentleman (Mr. Yorke), wholly overlooking what had been said by the right hon. gentleman (Mr. Grattan) in his speech, in support of his motion, regarding the Class-book of Maynooth, called the Tractatus de Ecclesiâ, has quoted the last sentence of that work, from the late Mr. Perceval's speech of last year, to shew that the students of Maynooth are, at this day, taught all those obnoxious tenets, which are ascribed to the Catholics. But if the right hon. gentleman had taken the pains, which it was becoming him to take, before he hazarded such an assertion, to inform himself on this point, he might have learned, from a note to the printed speech of the hon. baronet (sir J. C. Hippisley) of last session, that, upon an explanation which took place between him and Mr. Perceval, the latter acknowledged he had made a hasty reference to this work, and that it taught the students of Maynooth such opinions, in respect to these tenets, as were perfectly satisfactory.* This will appear to be the case to every one who reads this book; as, also, that it is a book, in every respect, eminently calculated to instruct those who are intended for holy orders, in a manner most likely to render them useful clergymen and loyal subjects.

But though the opponents of the Catholics fail in this instance, as well as in every other, wherein they endeavour to shew that they still are bound not to keep faith with heretics, and that they acknowledge the Pope to possess the power of absolving subjects from their allegiance, of deposing princes, and are wholly unable to support their cause, the Catholics have not remained satisfied to do no more than merely expose the objections of their enemies; but have left no means untried for removing the many errors and prejudices which have been, at all times, so prevalent concerning the principles they really do profess. For this purpose, they have assented to, and taken, as a qualification for each civil right, which they enjoy, the oaths that have been read by the right hon. mover (Mr. Grattan). For this purpose, the answers, which he also read, of six Foreign Universities, to certain queries proposed to them, were obtained; and, for the same purpose, has that part been written of the Roman Catholic Prayer-book which he referred to. But, besides these proofs that they do not profess the obnoxious tenets ascribed to them, there are many others equally conclusive. The Catholic writer Gother, to whose great character the late Dr. Law, bishop of El-

* See Vol. 22, p. 773.

phin, has borne testimony, in order to remove the prejudices of Protestants, published a work, entitled:

"A Vindication of the Roman Catholics:—as also, their Declaration, Affirmation, Commination; shewing their abhorrence of the following tenets, commonly laid at their door; and they here oblige themselves, that if the ensuing Curses be added to those appointed to be read on the first day of Lent, they will seriously and heartily answer Amen to them all:—

1. "Cursed is he that commits idolatry; that prays to images or relics, or worships them for God. R. Amen.

2. "Cursed is every goddess-worshipper, that believes the Virgin Mary to be any more than a creature; that honours her, worships her, or puts his trust in her more than in God; that believes her above her Son, or that she can in any thing command him. R. Amen.

3. "Cursed is he that believes the saints in heaven to be his Redeemers, that prays to them as such, or that gives God's honour to them, or to any creature whatsoever. R. Amen.

4. "Cursed is he that worships any breaden God, or makes Gods of the empty elements of bread and wine. R. Amen.

5. "Cursed is he that believes priests can forgive sins, whether the sinner repent or not; or that there is any power in earth or heaven that can forgive sins, without a hearty repentance and serious purpose of amendment. R. Amen.

6. "Cursed is he that believes there is authority in the Pope or any others, that can give leave to commit sins: or that can forgive him his sins for a sum of money. R. Amen.

7. "Cursed is he that believes that, independent of the merits and passion of Christ, he can merit salvation by his own good works; or make condign satisfaction for the guilt of his sins, or the pains eternal due to them. R. Amen.

8. "Cursed is he that contemns the word of God, or hides it from the people, on design to keep them from the knowledge of their duty, and to preserve them in ignorance and error. R. Amen.

9. "Cursed is he that undervalues the word of God, or that, forsaking Scripture, chuses rather to follow human traditions than it. R. Amen.

10. "Cursed is he that leaves the commandments of God, to observe the constitutions of men. R. Amen.

11. "Cursed is he that omits any of the Ten Commandments, or keeps the people from the knowledge of any one of them, to the end that they may not have occasion of discovering the truth. R. Amen.

12. "Cursed is he that preaches to the people in unknown tongues, such as they understand not; or uses any other means to keep them in ignorance. R. Amen.

13. "Cursed is he that believes that the Pope can give to any, upon any account whatsoever, dispensation to lie or swear falsely; or that it is lawful for any, at the last hour, to protest himself innocent in case he be guilty. R. Amen.

14. "Cursed is he that encourages sins, or teaches men to defer the amendment of their lives, on presumption of their death-bed repentance. R. Amen.

15. "Cursed is he that teaches men that they may be lawfully drunk on a Friday, or any other fasting day, though they must not take the least bit of flesh. R. Amen.

16. "Cursed is he who places religion in nothing but a pompous shew, consisting only in ceremonies; and which teaches not the people to serve God in spirit and truth. R. Amen.

17. "Cursed is he who loves or promotes cruelty, that teaches people to be bloody-minded, and to lay aside the meekness of Jesus Christ. R. Amen.

18. "Cursed is he who teaches it lawful to do any wicked thing, though it be for the interest and good of Mother Church: or that any evil action may be done that good may come of it. R. Amen.

19. "Cursed are we, if, amongst all these wicked principles and damnable doctrines commonly laid at our doors, any one of them be the faith of our Church: and cursed are we, if we do not as heartily detest all those hellish practices as they that so vehemently urge them against us. R. Amen.

20. "Cursed are we, if, in answering and saying Amen to any of these curses, we use any equivocations, mental reservations, or do not assent to them in the common and obvious sense of the words. R. Amen.

"And can the Papists, then, thus seriously, and without check of conscience, say Amen to all these curses?

"Yes, they can; and are ready to do it whensoever, and as often as it shall be required of them. And what then is to be said of those who, either by word or writing, charge these doctrines upon the

faith of the church of Rome. 'Is a lying 'spirit in the mouth of all the prophets? 'are they all gone aside? do they back- 'bite with their tongues, do evil to their 'neighbour, and take up reproach against 'their neighbour?' I will say no such thing, but leave the impartial considerer to judge. One thing I can safely affirm, that the Papists are foully misrepresented, and shewn in public as much unlike what they are, as the Christians were of old by the Gentiles; that they lie under a great calumny, and severely smart in good name, persons, and estates, for such things which they as much and as heartily detest as those who accuse them. But the comfort is, Christ has said to his followers, 'Ye 'shall be hated of all men' (Matth. x. 22.), and St. Paul, 'We are made a spectacle 'unto the world;' and we do not doubt, that he who bears this with patience, shall, for every loss here and contempt receive a hundred fold in heaven: 'For base 'things of the world, and things which are 'despised, hath God chosen.' 1 Cor. i. 28.

"As for problematical disputes, or errors of particular devices, in this, or any other matter whatsoever, the Catholic church is no way responsible for them: nor are Catholics, as Catholics, justly punishable on their account. But,

"As for the king-killing doctrine, or murder of princes, excommunicated for heresy: it is an article of faith in the Catholic church, and expressly declared in the General Council of Constance, sess. 15, that such doctrine is damnable and heretical, being contrary to the known laws of God, and Nature.

"Personal misdemeanors, of what nature soever, ought not to be imputed to the Catholic church, when not justifiable by the tenets of her faith and doctrine. For which reason, though the stories of Paris Massacre, the Irish Cruelties, or Powder-Plot, had been exactly true (which yet, for the most part, are misrelated), nevertheless, Catholics, as Catholics, ought not to suffer for such offences, any more than the eleven apostles ought to have suffered for Judas's treachery.

"It is an article of the Catholic faith to believe, that no power on earth can licence men to lie, forswear, and perjure themselves, to massacre their neighbours, or destroy their native country, on pretence of promoting the Catholic cause, or religion. Furthermore, all pardons and dispensations granted, or pretended to be granted, in order to any such ends or designs, have no other validity or effect, than to add sacrilege and blasphemy to the above-mentioned crimes.

"Sweet Jesus, bless our sovereigns; pardon our enemies; grant us patience; and establish peace and charity in our nations."

Mr. Perceval, in his last speech on this subject, observed that, if the Catholics did really abjure these tenets, it was extraordinary that the Irish bishops had never formally denied them, when assembled at a regular synod. They have since completely met this objection, by their resolution of the 18th of last November, declaring, "that although the substance of the answers returned by six Roman Catholic universities, relative to the duties of subjects, in the years 1788 and 1789, is manifestly contained in the oath of allegiance and declaration which we have solemnly sworn, we think it nevertheless fitting to declare that we consider those answers as perfectly conformable to the doctrine and tenets of our religion, and we adopt them as our own."

Mr. Perceval also said, it was surprising that none of the Popes had disclaimed these tenets; but in this he was mistaken, as will appear from the following extract from a letter from the congregation of Cardinals, by order of his holiness Pius 6, addressed to the Roman Catholic archbishops of Ireland, dated Rome, 23d June, 1791.—"The see of Rome never taught, that faith is not to be kept with the heterodox; that an oath to kings separated from Catholic communion can be violated; that it is lawful for the bishop of Rome to invade their temporal rights and dominions. We, too, consider an attempt or design against the life of kings and princes, even under the pretext of religion, an horrid and detestable crime."

Should these several proofs be deemed insufficient to shew that the principles of Catholics are compatible with loyalty to the state, there still remains another illustration that they are not so, of no small force, the Act of 1793, of which this is the preamble: "Whereas various acts of parliament have been passed, imposing on his Majesty's subjects professing the Popish or Roman Catholic religion many restraints and disabilities to which other subjects of this realm are not liable, and from the peaceable and loyal demeanour of his Majesty's Popish or Roman Catholic subjects it is fit that such restraints and disabilities shall be discontinued."

Here there is a legislative acknowledgment of the truth of the position, that there is nothing in the religious principles of the Catholics incompatible with their loyalty. Here in truth is a solution of the question, under the highest possible authority, of some years standing, which ought to have put it to rest for ever; and which proves that, so far from there being any just grounds for charging obnoxious tenets to the Catholics, there are none whatever even for raising a controversy about them.

The right hon. gentleman (Mr. Yorke), and the greater part of the petitioners, assert that the exclusion of the Catholics from political power, is a fundamental principle of the constitution, as settled at the Revolution in defiance of all that we learn, from the history of that event, the Bill of Rights, and all the greatest constitutional authorities. The bishop of Lincoln has quoted Mr. Fox in support of this doctrine; but all Mr. Fox's speeches clearly prove that his opinion was decidedly at variance with it. The following extracts from the speech, which he delivered in this House when he introduced the Catholic petition in 1805, fully establish this fact.*

"I think one may generally state, that all the restrictions of the Catholics were laid, not on their religious, but their political opinions.

"In the early period of the reign of queen Elizabeth, no one can suppose it was any particular religious bigotry that led to the restrictions with regard to the Catholics.

"In the reigns that followed, very few restrictions by penal law were enacted. This may be accounted for from the circumstance that there was no suspicion of the Catholics; but afterwards, in the time of the Stuarts, suspicions had taken possession of the minds of the people of this country, which made these restrictions necessary. When we come to the Revolution, it is impossible not to see that all the laws against the Catholics were political laws. It was not a Catholic, but a Jacobite you wished to restrain.

"In the two next reigns the same laws continued, because the same spirit was supposed to exist, and the same danger to be apprehended from it."

To this authority may be added that of Mr. Justice Blackstone. He says, in his account of the penal laws against the Catholics, "they are rather to be accounted for from their history, and the urgency of the times which produced them, than to be approved (upon a cool review) as a standing system of law.

"The wishes for the succession of the queen of Scots,—the Powder Treason,—the intrigues of queen Henrietta,—the prospect of a Popish succesion in the reign of Charles 2,—the Assassination Plot in William 3,—the avowed claim of a Popish pretender,—account for the extension of those penalties at those several periods of our history. But if a time should ever arrive, and perhaps it is not very distant, when all fears of a pretender shall have vanished, and the power and influence of the Pope shall become feeble, ridiculous, and despicable, not only in England, but in every kingdom of Europe, it probably would not then be amiss to review and soften these rigorous edicts; at least till the civil principles of the Roman Catholics called again on the legislature to renew them; for it ought not to be left in the breast of every merciless bigot to drag down the vengeance of these occasional laws upon inoffensive, though mistaken subjects, in opposition to the lenient inclination of the civil magistrate, and to the destruction of every principle of toleration and religious liberty."—(Vol. 4, p. 57.)

De Lolme, also, in observing upon the Catholic religion in the time of James 2, says, it was a mode of faith which repeated acts had proscribed. "Proscribed, not because it tended to establish in England the doctrines of transubstantiation and purgatory, doctrines in themselves of no political moment, but because the unlimited power of the sovereign had always been made one of its principal tenets."—(P. 55.)

And Justice Blackstone, in summing up what actually took place in consequence of the Revolution, says, "formerly the descent was absolute, and the crown went to the next heir without restriction, but now, upon the new settlement, the inheritance is conditional."—(Vol. 1, p. 217.)

He further says, "the Bill of Rights, the Act of Settlement, with its conditions, the Act for uniting England with Scotland, and some others, have asserted our liberties, in more clear and emphatical terms; have regulated the succession of the crown by parliament, as the exigencies of reli-

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* See Vol. 4, p. 830.

gious and civil freedom required, have confirmed and exemplified the doctrine of resistance, when the executive magistrate endeavours to subvert the constitution."—(Vol. 4, p. 440.)

These opinions of such great constitutional authorities, fully expose the errors, which have been so loudly and so industriously promulgated, in respect to the nature of those laws, which exclude the Catholics from office, and from the legislature. They all agree in shewing that the political, and not the religious principles, were the grounds of that exclusion, and that it never was the intention of our ancestors, who were the authors of the exclusion, to continue them after the danger ceased, against which it was calculated to provide. But the Bill of Rights is a complete denial of all that is asserted by the opponents of the Catholics, in respect to what was done concerning them at the Revolution. It is only necessary to read it to discover their refutation.

There are contained in this Act, thirteen heads of complaint against king James, and thirteen clauses, declaratory of the rights and liberties of the people of England; but among them there is nothing whatever relative to the Catholics. The enactment concerning the oath of supremacy, has no other object than that of making such an alteration in the then existing oath, as would enable the Presbyterians to take it, which they could not do, according to their religion, so long as it declared the king of England to be supreme head of the church. By the new oath, they were only required to deny that a foreign power was the head of it. The only part, in fact, of this law, which relates to the Catholics, is that clause, which excludes a Catholic from sitting on the throne. This is the only enactment of exclusion, and to say that this exclusion amounts to a general exclusion of the Catholics from political power, is to rest the case on a mere inference. But if we are to make inferences from the Bill of Rights, it will be much more correct to say that the authors of it would have inserted a positive exclusion of the Catholics from office, and from the legislature, if they had considered it essential and fundamental for the preservation of the constitution.

It is worthy of remark, in order more fully to illustrate the futility of those arguments, which are set forth, with an attempt to prove this exclusion to be a fundamental principle of the safety of the church and constitution, that king William was not a member of the church of England,—that the House of Brunswick was not brought into the succession to the throne at the Revolution, but in the 12th year of the reign of king William,—that the English Catholics were not excluded from office and the legislature at the Revolution, but in the reign of Charles the second,—and that the Irish Catholics were not excluded till three years after the Revolution had taken place, and then in direct contravention of the treaty of Limerick, by which king William engaged to protect them from any such exclusion.

In support of what has already been said to shew that the concessions to the Catholics will not be a violation of the constitution, the great authorities of Mr. Fox, Mr. Pitt, Mr. Burke, and Mr. Windham may be quoted. These names have already been mentioned in this debate, but the particular point, to which their great authority is most useful and applicable, is this, concerning the constitution. For it is not to be supposed, for one moment, that they could have been ignorant of the bearings of this question on the constitution; or that they ever would have sanctioned the Catholic cause if Catholic emancipation could not be effected without removing the bulwarks of the constitution.

If then there is nothing in the religious principles of the Catholics, incompatible with their loyalty, and if the laws for excluding them from office and from the legislature were grounded, according to Mr. Justice Blackstone, De Lolme, and Mr. Fox, upon their civil principles, the whole and only question to be decided is, whether there is any thing in the civil principles, at this time, professed by the Catholics, to justify the continuance of these laws.

Can any one now say they are the friends of a pretender, or the advocates of arbitrary power? Such a charge has not been brought forward in the course of the debate; but a new attempt is made to discover, in the political conduct of the Catholics, a plea for continuing the exclusion. The bishop of London and others have called the rebellion of 1798 a Catholic rebellion. But what is the true character of that transaction? The report of the Committee of the Irish parliament, drawn up by the noble lord (Castlereagh) shews, that if it had began in 1797, as

once intended, it would have been a rebellion confined to the Protestants of the north of Ireland. That the Catholics, who were concerned in it in 1798, were such of the peasantry who had been brought into it, by the northern and Protestant leaders. That the Catholic nobility, gentry, and clergy co-operated with the government in suppressing it. A right hon. gentleman (Mr. Elliot) who was in the Irish cabinet at the time, has, on a former occasion, borne witness to the loyal and essential services of all the Catholic bishops, and it is now ascertained that not one Catholic priest, having a benefice, was implicated in it, and that out of nearly 3,000 priests, who administer the Catholic religion in Ireland, nine only were engaged in the rebellion, all of whom had been previously censured or punished for misconduct, by the superiors of their own church.

Of the twenty-four leaders, who were banished to Fort St. George, only four of them were Catholics. But what is still more decisive on this point, Mr. Pitt, who must have been the best qualified of all persons to give a correct opinion, has declared, in his place, in this House, that the rebellion of 1798 was not a Catholic rebellion.

The Catholics are not afraid of having their whole conduct inquired into. They have faithfully fulfilled what they bound themselves to do by the treaty of Limerick. In 1715 and 1745 they fully proved that they had renounced those principles, which formerly had led them to support the family of the Stuarts. There is the evidence of primate Stone, to shew that, in the papers, which fell into the hands of government, relating to the rebellion of 1745, there was no trace to be found of a single Irish Catholic being, in anywise concerned in it.—In the American war, when all the King's troops were withdrawn from Ireland, and a French invasion was threatened, the Catholics again stood by the cause of their country and the House of Brunswick. What a contrast does their conduct form, since the treaty of Limerick, to that of king William and his successors!!! On their part the steadiest compliance with their engagements; on the other side a succession of violations of the royal faith, till that most horrible code of laws was completed, which deprived the Catholics of every personal and political security. These violations it has been attempted to justify, by saying that parliament would not ratify the treaty of Limerick. But the principles of the constitution of this country will admit of no such justification. The king has the undoubted prerogative of making peace, and binding his subjects to the terms of it, provided they do not violate any existing law. For which reason, every king, who has sat on the throne, from the reign of king William to the present day, has been, and ought so to consider himself, bound to make good, to the Catholics, all that was stipulated by him.

Upon the whole it seems to be a just conclusion to draw, from a fair examination of the allegations of the petitions, and what has passed in this debate, that there is nothing, in the religious principles of the Catholics, incompatible with civil liberty; nothing, in the concession of their claims, inconsistent with the security of the constitution, but every thing, that can be desired, on their part, demonstrative of their loyalty to their country and their king, and therefore that the House is called on, by every principle of justice, to adopt the motion which is now before it.

Mr. *Wilbraham Bootle* would not have offered his sentiments, had there not been a call on those members who voted last year for the committee, and who did not intend to do so this year. He had voted for Mr. Canning's motion in the hope and expectation that the spirit of conciliation and concession shewn by the House would have been met by a corresponding spirit on the part of the Catholics of Ireland, which would have led to the conciliatory adjustment which was the object of the motion, but in this expectation he, in common with many others, was disappointed, for the account of the debate was received in Ireland as an insult instead of an act of grace, and was treated as such.

But what (he asked) is a committee of the whole House to do under such circumstances, and avowedly without any plan before it? It seemed to have escaped the recollection of gentlemen who supported this panacea for all evils, that a committee would be composed of the very same individuals who had been for the last three days discussing the question without being able to produce a plan. It is true that in a committee members might speak more than once, but where they had nothing to propose he doubted this advantage, and at all events it was counterbalanced by their not having the Speaker in the chair to regulate and moderate their debates.

He asked again, what benefit would the Roman Catholics derive from a committee of the whole House under these circumstances? Those who wish to go all lengths and to abolish all tests, without caring for securities, had a straight and plain way before them; but what would those members do who were advocates for restrictions and safeguards? The right hon. and venerable mover of the question had said that the Veto was out of the question, and professed to have no plan. Some hints had been given about domestic nomination, which though a principle acknowledged and acted upon in various countries, and amongst them in Canada, was certainly a greater infringement on the right of the Papal see than even a Veto.

Some persons were sanguine enough to believe that if the Catholics were placed between conscience and power, the former would give way, but he had too good an opinion of them to think that love of office would so prevail. The English Roman Catholics are too well principled a body of men to barter their consciences for lucre of gain, and they have declared it in their petition, from which there is no reason to believe they will recede. He did not see the analogy which had been mentioned between the Sinecure Bill and this measure, for this (at least in the present session) originates in the petition of persons who require relief, and bring forward specific demands and objects. These demands it seems are not to be complied with, but are to be so modified and clogged with restrictions and securities, as to render the relief unacceptable to, and deprecated by, the very persons who are the object of this relief. He here read extracts from the petitions of the Roman Catholics, of which he spoke in terms of commendation as being most properly expressed, which shewed they prayed for the total repeal of all disabilities.

A committee of the whole House, he said, appeared to him a cowardly way of solving the difficulty and of shifting off responsibility from the shoulders of individuals on those of the whole House. As an instance how ill-calculated such a committee was for a measure not maturely considered and prepared, he cited an observation of a late eminent statesman, who said that no member ever moved for a committee of the whole House intending that his motion should be carried. He would prefer the more manly plan adopted by lord Howick in 1807, that of bringing in a bill. The House would then know what it had to consider, and the various stages of a bill, with its commitments and recommitments, would afford opportunities of knowing what we were about.

He added, that if any arrangement could be made to conciliate the Catholics, to whom (the English ones) he was attached by every tie of friendship, regard, and good opinion, without endangering the security of the Protestant establishment, no one would feel more sincere pleasure than himself, or more heartily desirous of giving his warmest concurrence.

Sir *William Scott*:

Sir; it is always with great reluctance, and not unfrequently with some degree of personal pain, that I obtrude myself upon the notice of the House; but the importance of the present question, and the connexion, which I have, with those who have expressed a strong feeling about the decision of it, induce me to hope that the House will think me entitled to claim some portion of their attention.

Sir, if I could agree in opinion with a right hon. gentleman, (Mr. Plunket,) who distinguished himself, by a speech, not more to be admired as an exhibition of talents, than for the honourable and manly candour, by which it was still further dignified and adorned, that, if there was no danger in relaxing the present restraints, I should likewise agree that they ought immediately to be relaxed; for I am very ready to admit, that eligibility to public offices and seats in the legislature, (call it a right, or a pretension, or what you please) ought not to be abridged without necessity; and when I say necessity, I mean a grave necessity, arising from apprehensions of danger, not chimerical and visionary apprehensions, but such as may affect men of firm and constant minds, of danger to some interests of the state, which are deservedly held dear and important. And when I describe the interests of the church of England and Ireland to be of that species and magnitude, I presume, I express, with very few exceptions, the universal sense and feeling of this House. But, Sir, I cannot agree to this position of fact, that there is no rational apprehension of any danger, direct or indirect, to the established church, from any relaxation of these restraints. I do not mean to say, that the admission of Catholics to some of the offices, from which

they are at present excluded by law, does not furnish a reasonable ground of apprehension; in my humble opinion, our present exclusive enumeration of offices is too large; and that some of those offices into which at present they are told they must not intrude, are offices to which their ambition might safely enough be allowed to aspire. But then I say, first, that, if any man has such offices in his view, with an intention of offering fair relief, so far as such offices are concerned, he ought to bring them forward, not as an appointment of a committee for general undefined grievances, but in particular bills in which they shall be submitted to fair and distinct and specific consideration; and I say further, that no admission can, with any degree of safety to the interests I have described, be given to offices, which are either judicial, with a jurisdiction extending to ecclesiastical questions, or to such as convey, to the person who holds them, a great portion of political power. For these are the two principles, within the range of which, I conceive the danger, and the necessity of providing against it, to be bounded. The office of the common law for instance, is one from which a Catholic ought to be excluded. And, why? Because a person, in that situation, has to decide most important questions, intimately connected with the safety of the Protestant establishment, of religious questions, of rights of advowsons, presentations, tythes, offerings, modusses, church rates and a thousand others; and I would ask that hon. gentleman, whether, if he had a son or a brother in the church, he would, with his experience of mankind, think that his son or brother would confidently trust a Catholic judge, sitting to decide many of such questions, between the Protestant clergyman and the Catholic parishioners; and whether there would not be that distrust, and suspicion of an improper bias, which might disturb the fair course of justice, even if that suspicion and distrust were not itself an evil, which is the duty of prudent institutions entirely to remove, by removing their natural causes. So with respect to the office of privy counsellor, who has to advise the sovereign in matters of religion, which are then matters of state, in some degree, though, in a still higher degree, matters of conscience. All the same objections apply to the office of chancellor in a much higher degree, and with the addition of his being the constitutional guardian of the royal conscience, in affairs of this nature, as well as in those of a merely civil description.

With respect to political power, I am not afraid to avow that it appears unsafe to delegate, to Catholic hands, a large portion of Protestant power; for, by the constitution of this country, as settled upon its present basis, political power is Protestant power. Sir, I cannot contemplate the admission of Catholic members into the senate, where they will have to decide upon questions, directly affecting the religion of the state, without some degree of uneasiness. Indeed the right hon. member seemed to admit the existence of some danger, by the antidote, which he held out; for his reasoning was, What could one hundred members do against the body of the House? thereby appearing to admit, that danger would be introduced, but that it would be disarmed by the inferiority of their numbers; that the safety was to be found, not in their dispositions, but in their minority; that a certain degree of mischief would be infused, but that it would be diluted and rendered harmless, by the prevalence of the sounder particles, which form the general substance of the mass.

Sir, I am not quite clear that the right hon. member's arithmetic would, eventually, turn out to be correct. He will please to remember, that, if Irish Catholic gentlemen are admitted, English Catholic gentlemen cannot be excluded. Many of these are of ancient honourable families, and possessing great hereditary influence in the counties and boroughs where they reside. And if to these two descriptions of persons, you add those, who may bring into this House the opinion, much too fashionable in the world, that legislation has nothing to do with religion, and that the state has no right whatever to interpose at all, in the intercourse between the Creator and the convenience of man, I cannot think that the danger of the church is altogether so chimerical, as has been represented, or that the clergy are justly liable to the free observations which have been made upon them, for the anxiety they have ventured to express. Sir, I cannot avoid saying, that it is one of the most alarming signs of the times, that that venerable body has been, on this occasion, treated with a rudeness and disrespect which I am confident they have never before experienced, within these walls. Sir, that there should not be in Catholic minds,

a spirit, which I am loth to call a spirit of hostility, but wish rather to describe as unfriendly to our Protestant establishments, it is impossible to conceive. Such a spirit is unavoidably produced by the fundamental principles of their faith, and the more sincere a man is in the entertainment of those principles, the more sincere must be his disinclination to the maintenance of those establishments. A man of common benevolence, really attached to the importance of that religion, must wish it to become the favoured religion of his country. He would act in contradiction, not only to his own theory, but to his own natural feelings, if he did not. Sir, those feelings have been expressed with but little reserve. I find a worthy baronet of great authority in that profession of faith, though, by some, represented as no friend to the higher claims of that church, expressing himself thus in a published pamphlet, "I shall expect, very seriously expect, when the subject has been more matured, to hear that the Irish bishops of the establishment, having since made over a portion of their revenues, for the decent maintenance of their Catholic brethren, are ready to make further proposals, and to agree to an alternate enjoyment, subject always to his Majesty's choice, of dignities and emoluments." Is this no language of hostility to the present establishments of the country? If such views and expectations are now avowed, what are we to look for when they are advanced further to the consummation of their wishes? If these things are done in the green leaf, what will be done in the dry? Sir, I cannot but think that sentiments of this unfriendly kind are most heartily entertained in Ireland; and for this reason, that the Catholic religion is truly more Catholic in that country than in any other Catholic country, and this again, for an obvious reason. In most Catholic countries the doctrines of the church of Rome come softened and ameliorated, through the strainers, if I may so call them, of the civil government. The civil government is a sort of middle term; and the people, having a confidence in the religion of their government, which is in communion with the Church of Rome, range themselves on the side of their civil government, whenever it comes into hostilities with the pontiff. Before the Reformation, this country did so, universally, in the conflicts, which led to the statutes of provisors, præmunires, and others of that kind. So in France, the liberties of the Gallican Church against the Pope, have always been popular in that country. So in the matters of concordats, even in Spain itself. But in Ireland there is no such middle term. The Pope is the direct head of the Irish Church; in close and immediate contact with it, without any communication through the state, which, being Protestant, has none of the confidence of the people, in any transactions it may have with the Pope. They regard, with extreme jealousy, every attempt of their civil government to oppose his authority. His dogmas, therefore, naturally direct the opinions of the Catholic Church of Ireland, in a much more unqualified way than those of other national churches. The question then comes, what are the opinions of the pontiff upon this matter of Protestant establishments?

Sir, upon this point I shall not travel back to ancient, and, as they are represented, antiquated authorities; I will use no other than the declarations of the present Pope, delivered in the most solemn manner, and upon the most serious occasions, within these four or five years. I find, in the interesting account given of the transactions of the Pope, under the usurpations of Buonaparté; declarations of the Pope, given in pastoral instruction to this effect: "The system of indifferentism which does not in truth suppose any religion, is that which is most injurious and opposite to the Catholic religion, which, because it is divine, is necessarily sole and unique, and for that reason cannot make an alliance with any other, just as Christ cannot ally himself with Belial, light with darkness, truth with error, or true piety with impiety." Pastoral Instructor, 22d May, 1808.—So again, "We reject that all religions should be free and publicly exercised, as contrary to the canons and councils, the Catholic religion, the tranquillity of life, and the good of the state." Page 45.—So again, "The protection, much boasted of, for different worships, is only a pretext and a colour to authorise the secular power to meddle in things spiritual, since, in shewing respect for all sects, with all their opinions, customs, and superstitions, a government does not respect, in effect, any right, any institution, any law of the Catholic church. Under such protection, is concealed a persecution, the most crafty and dangerous which can be exercised against the religion of Jesus Christ.—He does not love or understand our most holy religion, out of which

there is no hope of salvation, who does not revolt at such an order of things."—These are the opinions of the supreme head of the church, upon the mere toleration of other worships. If so, what must be his opinions of a state of things, in which another worship is dominant, and the Catholic faith is in a state of depression? Do I misrepresent the opinion when I say it can be no other than this, that such a state is an inverted and unnatural state, which cannot continue without endangering the salvation of the country where it exists?

Is there any reason to suppose that the Catholic church of Ireland dissents from the opinions of the see of Rome, upon a subject so interesting to their common feelings? I am sure I do not misrepresent the prelates of that church, when I describe them to be faithful disciples and votaries of that see, and most conscientious in their adherence to its tenets—and most singular it would be, if they deserted it, upon a point which is so immediately connected with their own personal interests of every species. It is quite impossible that they, of all men, should be better satisfied than the Pope himself is, with the Protestant ascendancy and with the comparative depression of their own church where they live! But it is intimated that the Catholic laity hold no such opinions. In the first place, I look in vain for the evidence of that fact. In the second place, there may be, I believe, some more philosophical spirits, who entertain other opinions, but who are charged, in the suspicions of their brethren, with departing from the strict rules of faith, and whose general opinions, upon these matters, I must say, I have always found extremely difficult to reconcile with the superficial notions of that faith, which I have been able to collect from any exposition of them; but, however that may be, I have not a doubt that the number of such persons is comparatively small, and that the general body of the faithful would follow their pastors upon such subjects. It is a remark of that profound observer, who has been stiled the chancellor of human nature, lord Clarendon, that any agreement which you may make with that class of men, will signify little, unless it is followed by the approbation of their clergy.

Sir, in this state of opinions, I cannot but think there is great hazard in arming such persons with the authority belonging to many of the situations, from which they are now excluded. Their opinions unavoidably exclude them. It is a very simple, and, I should have thought, a very inoffensive proposition. "We cannot invest you with power which, we think, will be employed injuriously to interests we hold dear and sacred, but which you hold mischievous and intolerable. We lament the necessity, but we are compelled to act upon the common principle of self-preservation. We are sorry to exclude persons, whose talents might be otherwise useful, and whose ambition, on their part, is fair, but whose talents and ambition would be fatal to our favourite establishments—and this without any crime on their part; without any other conduct, than such as would be directed by their own moral and religious conscience."

Sir, it is a fallacy which runs through the whole of this discipline, that we are imputing crime or imposing punishment—neither the one nor the other. The measure we take is not one of criminating penalties; it is a mere measure of self-defence, against opinions and inclinations, which we do not presume to censure, because they do not proceed from any depravation of mind, but which we must guard against, because they import danger to interests, which we cannot suffer to be disturbed.

Sir, it is no more than a defensive precaution, which I am equally inclined to allow to Catholics against Protestants, for the protection of their religion. It always appeared to me that the appointment of Mr. Neckar, under the royal government of France, was as impolitic as it was unconstitutional—that it weakened the frame of that government, and tended, amongst many other causes, to produce those calamities, which have since spread themselves over every part of civilized Europe.

Sir, it appeared to me that the right hon. gentleman answered his own question,—where was the danger directly or indirectly? When he admitted, as he did, most candidly and explicitly, that he must insist upon securities; and that, without securities, he was disposed to resist the application; for, if no danger, nor reasonable apprehension of danger, why call for securities? He likewise appeared to admit that the security of the present oath was not sufficient, for if it was, why call for other securities? for every unnecessary security required is a mere tyrannical imposition. Nothing could be more cor-

rect than his opinion, that the security, afforded by the oath, was insufficient; not upon the ground that oaths will not bind Catholic consciences, (I make no such assertions) but because the oath cannot be construed so as to meet the apprehended danger. It cannot be so interpreted, with any fairness, so as to bind them to the defence of the established church, if they think it inexpedient and sinful, and are called upon, for instance, as senators, to pass a legislative opinion upon any question relating to it. The oath abjures any intention to subvert the Protestant religion at the time of taking it. The utmost effect, which can be given to that is, that it abjures all direct purpose, all plan or project at that time. But would he not be fully as much at liberty to vote, according to his own conscience, on such questions, as any other member of the House? Would he be guilty of perjury in the opinion of any then breathing, if he should vote honestly for the abolition of Protestant episcopacy, when such a question was brought before him, and his own conscientious opinion directed the vote he gave. Sir, I take this to be as independent a member, in spite of his oath, as any other member of the House. If so, you leave him, in the spite of the oath, to the operation of every principle and prejudice which has taken possession of his mind. And, in that state of things, what are you to expect but a Catholic vote, upon a Protestant subject? Remember the memorable declaration of the earl of Bristol, in the House of Lords, upon the passing of the Test Act.—"Upon the whole matter, my lords, however the sentiments of a Catholic of the church of Rome may oblige me, upon scruple of conscience, in some particulars of this Bill to give my negative to it, when it comes to passing; yet as a member of a Protestant parliament my advice cannot but go along with the main scope of it.*" Here is the natural working of the religious conscience of the Catholic against the prudential and political conscience.—The measure proclaimed to be right and fit, but the vote directed against it, because it tended to the safety of the Protestant establishments of the country, which, as a disciple of the church of Rome, he was bound religiously to discountenance.

* See new Parliamentary History of England, vol. 4, p. 566.

Sir, what are the securities proposed? 1st. The Veto, and 2d, the Domestic Nomination of Prelates. The Veto, after an apparent acceptance, has been rejected with abhorrence; and the domestic nomination with increased abhorrence. I remember incurring some degree of ridicule in this House, some years ago, for intimating that such would be its fate; for it always appeared to me more objectionable, if it is possible to extract any knowledge of Catholic principles from the ordinary sources of general information upon such subjects. It is certainly a greater violence to those principles to discard the Pope entirely, and to create an independent church, internally governed without him, than to admit his authority, controuled by some interference on the part of the civil sovereign. Take away the Pope, and you take away all the spiritual authority, which is merely derivative from him.—No bishops,—no priests,—no valid administration of sacraments. For all these offices and functions are emanations of that spiritual authority, which resides plenarily and fundamentally in him. To be sure, the last concordat with Buonaparté seems to imply some surrender of this sacred supremacy, for it expressly provides, "that if the Pope does not confer the investiture within a certain time, the metropolitan shall do it." This amounts to little less than an abdication of the papacy, and only proves that the spirit and firmness of that venerable person (for I wish to speak of him without disrespect) have at last sunk under his necessity and distresses. However this may be, both these professed securities were rejected by the Irish church, with horror, as contaminating the ark of God.

Sir, when I hear it said, (as I hear it repeatedly said) that these are the intemperate expressions of violent men, I look about in vain for any grave and public disclaimer of them—they appear to express the universal sentiment—the feelings of reverend prelates—no public body disclaims them — nobody protests against them. There is a profound silence on the other side, if any such side exists. If other sentiments are felt, why are they not expressed? Why compel us to presume an unanimity in the opinion so vociferously proclaimed, that, to require the securities, is insult and injury, and persecution?

These particular securities being out of the question, (supposing that their suffi-

ciency was admitted) what others are prepared? I hear of none, and therefore am compelled to conclude, that if the thing is to take place, it must take place without any securities at all. It has been admitted by almost every gentleman, that, without reference to any other consideration, foreign influence, which is to be watched at all times, is to be guarded against; peculiarly, when the Pope is liable to be considered either as the captive or as the protégé of Buonaparté; or, indeed, as, in different respects both; for he is his captive, as chained to a residence in France;—'liber non est qui non potest ire quo vult;' and yet he has been re-invested with some authority, some revenue, and is assured of particular protection, for the numerous wants of the church. It is impossible not to see that the Pontiff's power is Buonaparté's power; that his concordat will be Buonaparté's concordat; in short, that he is not in a treatable condition. But if even that were not the case, there still remains the radical objection of a conscientious hostility to Protestant establishments. It is said, that no such apprehensions are entertained by other Protestant states. But they are no authorities upon the point. For, first, the Protestant religion is not deeply incorporated in their civil constitutions, if civil constitutions they have; most of them being despotic states, in which the prince has a ready corrective, in his own hand, for any inconvenience which may be apprehended. In the next place, the Roman Catholics do not bear the same formidable proportion of numbers. Here is a great country, the population of which, is described to be generally Catholic; at any rate, the Protestants are in a minority. If, to the advantage of such superior numbers, growing, as they have been described, in knowledge and in wealth, you add an equal access to power, how long will the equality subsist? Is it in nature that it should not be overthrown? You can meet the advantage of numbers, only by the advantage of the possession of power—by making the few govern the many; the actual footing on which all governments exist, whatever be the theory on which they are founded. But if the majority (so qualified) have power, in conjunction with numbers, it is very easy to foresee how the minority will be disposed of.

It is said, that all this assumes a principle of hostility, in Catholic minds, to Protestant establishments. Sir, if I could readily conceive the case of two great religious parties, equally and peaceably dividing the power of a great state, or engaging in struggles for it, with a total oblivion of their religious differences, I should be inclined to admit that no mischief might possibly follow. But I fear that that state of things is reserved for the times when the leopard is to lie down with the lamb. Are we entitled to expect that state of things from the past experience of that country? Is there a country, in which religious zeal has made more intemperate and more persevering struggles for the possession of power? Would these struggles be less violent and less persevering, when they advanced more to a footing of equality; when the party, which complained of depression, had advanced nearer to the completion of their wishes. Look at the experience of other countries. What was the result of the treaty of Oliva, in Poland? What was the result of the edict of Nantz, in France, celebrated as a master-piece of pacific policy? And both founded on principles of distribution of power. Did not parties become envenomed, struggles more acrimonious, till allayed, at last, by a return (though carried to most inordinate lengths) to that policy, which the practice of most nations has been content to adopt, of giving a decided ascendant to that religion, which it approves; and keeping its opponents, not in a degraded condition, but in that disarmed state, as to the possession of power, which is indispensably requisite for the preservation of that ascendancy. My humble, but confident opinion is, that the measure proposed, instead of being a measure of peace, will only sound the trumpet of religious and civil animosity.

Sir, what is the measure proposed to us, by the right hon. gentleman, as the result of the really profound wisdom, which he has applied, to the consideration of the subject? That we should pass an act, including the securities, which we think necessary to obtain; such act to be suspended in execution till the Catholics shall be content to give those securities. I cannot help thinking this mode of legislating, *de bene esse*, is very novel, and very inconvenient. It may be a totally nugatory exercise of our legislative powers, and, if we can trust strong declarations, will certainly be so. If it should so turn out, it will certainly be no very dignified nor

useful exercise of those powers. But if there is no reason to hope that good will be done, is there no reason to fear that much mischief will be done? It can be no secret, that there are very large portions of the community, in both countries, who regard the attempt with the most painful anxiety, and who deprecate such concessions to the Catholics. And these persons, Sir, are not rabble; they are not uninformed persons, without character or weight in the community. They compose some of its most serious and considerate, and respectable classes. In this condition of things, all that will be achieved, will be so much positive evil, without any counterbalance of good. Here will be an idle parade of legislative benevolence, producing nothing but extreme uneasiness and dissatisfaction among the Protestants, and increased ferments and resentments amongst the Catholics. For, if such proposals are regarded as insults and persecutions, I do not see how they are much recommended to the affections of the Catholics, by merely being put into the black-letter of an act of parliament. It really never occurred to me that an insult would be at all lessened in their feelings of it, for being offered to them by the legislature of their country.

On such grounds as these (omitting many others in the exhausted state of the question, and in my own exhausted state) I shall certainly vote against going into a committee. If there are particular grievances, apply the remedy to each case, fairly and distinctly considered; but do not open a wholesale shop of grievances. I have no doubt that such a shop would be plentifully fed, for the remainder of the session, with fresh importations from the Catholic board at Dublin, which, as far as I can judge from two volumes I have perused, is a very well stocked depot of such articles. But do not let the legislature let loose the angry passions of men, upon subjects most likely to excite, in times of difficulty and danger; for such I conceive the times still to be, though otherwise described by the right hon. gentleman. The modern Hannibal, or rather Attila, still lives. We have scotched the snake, not killed it. We have to oppose, by every means, which human prudence can suggest, the most subtle and bloody tyrant which has ever infested the earth. Let us not waste any portion of our strength in aggravated contentions amongst ourselves.

Sir, I cannot sit down without expressing a regret, that I have yet heard nothing of the plans which we had reason to expect, from two honourable friends of mine, the noble Secretary of State, who sits near me, and my right hon. friend, on the bench below. I must do the eloquent mover the justice to acknowledge that he fairly stated his plan, though I cannot agree with him in thinking it satisfactory. That plan was to embody, in his act for the Catholics, a declaration, couched in the strongest terms, of the firm and eternal establishment of the national church. We all remember the effect of declaratory acts in the case of America—a right maintained in words, given up in facts, and never afterwards recovered. I think it but a feeble security; and if I rightly interpret the right hon. gentleman, to whose speeches I have had frequent occasions to advert, his expectations were not satisfied with it, for he was looking out for further securities. However, I must do justice, at least, to the candour and frankness of the original mover. I regret that I cannot pay the same compliment to my hon. friends, from both of whom, and particularly from my right hon. friend, who obtained the resolution of parliament, last year, some elucidation of their further views might naturally have been expected, at the beginning of this debate. At present, they drive us, darkling, into this committee, for surely it is no better, to reserve their plans till a very late hour,—when no man worketh,—when it is impossible to devote any faculty of a fatigued mind to a fair consideration of them. I hope they will immediately recollect this; in the mean time I have only to add, that my decided vote is against going into the proposed Committee.

Lord *Castlereagh* said, it was with great pain and distrust in his own individual judgment, that he felt himself, on the present occasion, compelled to differ from those with whom he usually acted; but a sense of duty alone would influence his vote that night. He never felt less prone to suffer personal considerations to enter into a discussion of a great public question, conducted as it had been throughout with the utmost moderation and temper; he hoped, therefore, that if he held himself bound to repel an accusation brought against him by a right hon. and learned gentleman, (Mr. Plunket) on a preceding evening, that right hon. gentleman

would impute the answer to the sincere respect which he thought due to every thing which fell from so distinguished a character. It was charged to him as a fault, that holding the opinions which he held on this subject, he had consented to form part of an administration, whose understood principle, upon their accession to office, was a resistance of the Catholic claims. He must say in answer to this charge, that so far from feeling it to be disadvantageous to the empire that the control of government should be withheld from this measure, he most decidedly thought that it ought to be above all others entirely free from party struggle. If it could not be carried by the cordial unbiassed wishes of all parties,—if it were not exempt from all influence except its own principle and the deliberate judgment of the represented Commons of England,—it could never be a blessing to the nation.

The right hon. and learned gentleman (whose talents excited the highest admiration, and whose convincing speech could never be forgot) might easily call to his recollection, whether it was a taste for office or a sense of duty which induced the present administration some time ago to remain in power. He might also recollect, that the present was not the first administration which had been divided on this very subject: that of which the right hon. gentleman formed so distinguished a part, it was well known was so constituted, that the only Catholic measure in which the persons in that cabinet could concur, was that Bill which they afterwards abandoned; consenting to remain in office, and holding themselves entitled to give individual opinions, instead of the united weight of government, on this very same proposition, which was now before the House.

As to the measure itself, his opinion was decidedly in favour of it, as it had been last session. Though he had been called upon by his right hon. friend, he did not think himself bound to originate any specific plan: he confessed that he thought he saw almost insurmountable difficulties to the accomplishment of the proposed object: yet he did not feel the less inclined cordially to embark in the proposition which had been made last year by one right hon. gentleman, and this year by another right hon. gentleman, because he was willing, though he could not see his way himself, to follow the views of others, who might be able to effect that which was not obvious to his own mind. It was evidently the prevailing sense of the House last session, that a Committee should be appointed, that it might be ascertained what were the precise difficulties of this important question; what were the obstacles which caused it to stand still; and whether and how far those impediments could be removed! Then, as now, he was himself determined, never to assent to any proposition which should not secure the established religion; but he must say, that when he compared the present situation of affairs with the state of things at that time, he could see no substantive changes since the last year which should induce the House to come to a different decision. As to the temper evinced by the Catholics (which he lamented as tending to the destruction of their own hopes), what feelings were now expressed by that body, which had not appeared last year? The situation of the Pope was not effectually altered; and the opinion of the Catholic bishops, as to the operation of his confinement, was given so far back as November 1809. All these obstacles were, therefore, in as full force in the last year, as they were now. Why, then, it would be asked, did he then consent to the proposition of the right hon. gentleman? for this reason—because, though his own understanding did not furnish him with the means of seeing his way through the opposing difficulties, yet he thought it a subject becoming the united wisdom of parliament to investigate and determine.

It was said, that there had been, in the course of the year, a great change in public opinion; he differed with those who thought so. But if it were so, he should think this an additional reason for a full and impartial discussion. For himself, he could not collect, from the public temper expressed in the petitions, that the people would be averse from Catholic concession, provided the measure should be accompanied with proper regulations, and the Catholic tone were less violent and intemperate. It was certainly true, that a very respectable number of Protestants, both in England and Ireland, had a general dislike to the measure; yet this was by no means the universal or the more prevailing opinion. There were, indeed, strong feelings on this subject among the great mass of the population; yet those prejudices were so softened and altered, that had the Catholics assumed a milder language, the

country would have felt a very different disposition. As a proof of this, he would refer, as well to the tenor of most of the petitions, as to the tone of moderation and temper which had pervaded the debate.

He would now offer a few remarks on one or two views of this subject, as taken by hon. members who had preceded him. As to the declaration of the Catholics, that all regulations would be mockeries and insults,—he felt that he should be acting a contemptible part, if he held out to them the prospect of desired privileges on conditions, which as men of honour, or in consistency to the faith of their ancestors, they could not conscientiously accept. An hon. general had alleged that such must be the case with respect to any regulations: this was not the language held in 1793: such a reflection would then have been thought a reproach. What! shall the Catholics of Ireland declare, that they cannot consent to adhere to such a constitution of things, as has prevailed in all Catholic countries in Europe? Such a pretence would be quite idle: they must see, that in this, as well as in other countries, there could be nothing inconsistent or unreasonable in the proposed scheme of regulation. Such an argument was, therefore, highly injudicious; and he would defend the Catholics against the imputation that such were their sentiments: if they were, they were much altered since he had the opportunity of knowing them in 1793.

He wished to speak of the Catholic faith in the only part in which it appeared to him to touch upon this subject. In adverting to the tenets of an establishment, great forbearance should be exercised; every church had on its records, tenets, of which it in time became ashamed; these, though obsolete, were suffered to remain, because it was frequently a difficult and unpleasant employment to wipe away the errors of our ancestors. The Pastoral of the Pope, which had been so much reprobated, was issued at a time when he was completely stripped of power, and must be considered as an angry effusion uttered in self-defence. He did not pretend to be blind to the danger of the power of the Papal see: it might be rendered formidable as a political instrument, and his opinions might become strong engines of attack to serve particular purposes. He well saw, that not all the might of the emperor of France was able to depress or destroy the influence of the Pope; and not long since he had an opportunity of seeing the effects of this influence. In the expedition of general Moore, a courier was intercepted, who was conveying to Buonaparté the weekly dispatch of Fouché, the minister of police. In this document was explained the state of the public mind; and it was predicted, that Buonaparté would succeed in Spain, if he did not attempt to do violence to the Pope, and through him to the universal Catholic feeling throughout Europe. Attention was paid to this advice, and it was not till after the defeat of Austria that the Pope was humiliated: and now, when difficulties pressed on the ruler of France, the Pope was released. He did not, therefore, deny that the influence of the Pope was great,—that, wielded in conjunction with the resources of the French empire, it might be formidable. The Pope, therefore, became a proper object of constitutional jealousy; but he did not the less feel, on this account, the necessity of entering into this great question, and providing the best remedies against all possible danger. He would not consent to stir a step, unless he was convinced that every step would be secure: but he was convinced that if the Catholics should be suffered to embark in one common cause with common privileges, the nation was strong enough not to suffer by this allowed union in a common interest. Whatever might be the sentiments of the Pope, the conduct of the Catholics had been most friendly to the British constitution; and he conjured them now to consider, that, in the proposed regulations, no other principles, no other modes of action would be adopted, than what were common to all Catholic states in Europe. Even in Spain, the government had been so jealous of Papal interference, that by an act of state, they extinguished the power of the Pope till it should operate merely for religious, and not for political purposes. All, therefore, that was intended to be offered by way of security, appeared to be the fundamental policy of every state: and the Catholics should remember, that the precedent was drawn from the records of those times when their ancestors laid the foundation of our liberties.

As authorities have been adduced, (continued lord Castlereagh,) to which the House seems inclined to pay every proper attention and deference, it would be a dereliction of the duty which I owe to the character of Mr. Pitt, as well as to my

own feelings and conviction, were I, on the present occasion, interesting as it is, both from the vast importance of the question, and the circumstances under which we are called upon to discuss it, to omit stating the opinions of that great statesman; I must, therefore, with the most perfect candour, declare, that with all the means which I possessed in the full confidence of friendship with Mr. Pitt, I had no reason whatever to suppose, that he did not think the enquiry as proposed to be now instituted into the claims of the Roman Catholics, and the adoption of measures of concession proportionate to the justice of those claims, were not only expedient, wise, and salutary, but fundamentally necessary. I am, at the same time, bound to observe, that he thought the principal objections arising to these concessions, sprang out of the violent and inconsiderate views entertained and expressed by the Roman Catholics themselves. But although these were his sentiments, and to his expression of them, I am at this moment enabled to bear the most unequivocal testimony, I can safely add, that during the whole of my friendly and political intercourse with him, I never could at any one period discover, that the determination of his mind was changed with respect to the proposed concessions to the Roman Catholics, either in the justice or the expediency of the measure. I have, Sir, taken the liberty to be thus explicit, because my confidence and conviction are strengthened, not only by the means I possessed of knowing his mind and feelings, but because my recollection of his opinions is unimpaired.

During the present as on all former discussions, the word 'security' has been used, and used certainly, I admit, with great propriety as far as the true sense of the word respects our establishment in Church and State. If I understand the meaning of the expression, I should not hesitate to call 'security' the adoption of some system, whatever that system may be, which, prevailing as it does in every Catholic country, ought not to be denied to a country, Protestant in the establishment of its civil and political rights,—Protestant in their progressive state,—and Protestant in their present permanence and ultimate prosperity. There is one broad principle which I can never be induced to abandon,—I mean the guards and provisions necessary to be adopted, in order to meet and counteract the interference of the court of Rome, with regard to its political opinions, and the dissemination of them in a country which does not entertain religious doctrines of a similar nature. This safeguard, although required by the establishments of Catholic countries themselves, is still more decidedly called for and enforced by the peculiar situation of the Pope, who, being detained by our most inveterate enemy, may be compelled to become the instrument of his perfidious and ambitious views. I should not, in my allusion to the influence of the papal authority, forget to call the attention of the House to the uses and employments to which the different orders of Monks and Friars dependent upon the will of their different principals, may be perverted for the attainment of political ends, in consequence of the commands of these principals, to whom their respective orders and institutions have sworn submission and obedience. Why, let me ask, are the communications from the see of Rome, or from the principals of these religious orders, to be made matters of secrecy? What necessity can there be for concealment? Certainly none, but in the single point of confession. I am, Sir, now speaking with respect to facts which cannot be contradicted, and with the truth of which every Catholic is acquainted. Where concealment is necessary, I can have no objection to concealment in matters of pure religion and conscientious feeling; but in those common acts of public intercourse, secrecy and concealment are not only unnecessary, but must necessarily become the subject of distrust and well-founded suspicion.

Having, Sir, noticed the nature of the security to which I naturally look in the course of the proceedings which may be adopted in the Committee, I next direct my attention to the Veto, which has so frequently become the subject of discussion, both in and out of doors. After all the care I have bestowed upon the consideration of this point, I must confess I am at a loss to find how the Catholics can find it inconsistent, as it has in certain cases been maintained, with the best spirit of their religion, and with the justice of their claims. I have been lately led to believe, and I am now confirmed in the opinion, that this Veto affords, not only no satisfaction to the Catholics, but that it is even condemned as a measure which we have no right to require. But, Sir, be this as it may, it becomes my duty to state facts as they have actually occurred, and

to assure the House that this Veto was not proposed either by myself, or by those with whom I had the honour to act. On the contrary, Sir, I can venture to state, that it was formally and explicitly proposed to his Majesty's ministers by the Roman Catholics themselves. I can also state, with the same confidence, that no idea was ever entertained of acquiring patronage in the Catholic church, on the part of the government, in consequence of the Veto, which was not, as I have observed, the favourite measure of my colleagues or myself, but which, in truth, was first held out as the result of the best wishes and mature deliberations of the Catholics themselves. I will be still more explicit on this head; and I can add, that such was their liberality on the occasion, that they ran before the wishes, and outstripped the desires of the government itself. I am therefore, authorised in laying down this plain and undeniable principle, that the Roman Catholics, in their avowed character as honest men, have no right to attribute to the government any idea of acquiring patronage in the Catholic church by the exercise of the Veto; and that the Veto was in reality not suggested by the government, but was proposed to the consideration, and recommended to the adoption, of ministers by themselves. This principle did not go by any means, or by any possible operation, to sever the Pope from the Catholic church. It was proposed to learn from their own statements and opinions, the state and condition of the individuals whom they were desirous of placing in the situations which they wished to have properly filled; the proposition came with the more earnestness, from the certain conviction that it was calculated to prevent the revival of jealousies, and the diffusion of animosities and bickerings, prejudicial to the interests and happiness of the community at large.

In expressing my wish to go into the committee, I do it the more sincerely, because I am convinced it is the best and the only way of meeting the wishes of those who are friendly to the Catholics, and of encountering and satisfying the objections of those who are inimical to their claims. I concur in resting this right upon the same principle which I laid down and supported last year. The right hon. gentleman who brought forward this question,—in a way certainly which does honour to his candour and abilities, no less than to the cause which he advocates,—tells us, that he means to propose in the committee a general Resolution, as the foundation of the Bill which he intends to propose; and he assures us, that the Bill will be in strict conformity to the Resolution. This line of conduct I think perfectly fair, for the Bill must of course be submitted to the committee, and after having undergone the examination which it may be found to require, it will be then for the House to determine, whether the Bill be fit and proper to be entertained. So far I readily coincide with the views of the right hon. gentleman; yet I must say, with all the candour which the right hon. gentleman has a right to expect from me, that the proposed Bill is one, if I understand it as I should, designed to repeal all former acts against the Catholics, with the simple but full recognition of the established church. If this be all the provision to be made,—if this be all the safeguard to be set up for the establishment in church and state, as it actually exists,—I must, Sir, now declare, that this Bill shall have my decided and unqualified opposition; for, anxious as I am to obtain the best possible security for the preservation of the constitution in church and state, I am bound to maintain, that such a Bill cannot impart any security proportionate to the apprehensions which a measure so very general and undefined must excite. Let me rather speak out plainly, and say, that such a Bill would call in question the very security of the constitution, as it is at present established in church and state. I cannot, Sir, consent to a sweeping Bill of Repeal, without the adjustment of precise points,—without the settlement of disputed claims,—without the sanction of those safeguards to which we are bound finally to look, leaving us, should we be so absurd and preposterous as to adopt it, in danger,—if not of sudden ruin, at least exposed to certain and ultimate destruction. It is, therefore, my fixed opinion, that the right hon. gentleman ought to give to the House the whole of the system upon which he means to proceed; and to state in specific terms the means by which he hopes to be enabled to carry it on. I think most seriously, that great danger is likely to arise to the country, from the exclusion in which the Catholics are compelled to live out of the constitution, and from their consequent connection with, and dependence upon a foreign power; yet the difficulties that are to be overcome in obviating the danger are, no doubt,

numerous and considerable. I certainly would not propose that this House, in legislating for the Catholics of Ireland, should go so far as to proceed by way of premunire against their intercourse with a foreign power; but I would have recourse to every justifiable mode to render that intercourse, since it is thought indispensably requisite, congenial to the spirit and practice of the constitution. The right hon. and learned gentleman (Mr. Plunket) would agree to some temporary and contingent provisions and conditions suitable to the acceptance and conformity of the Catholics. Surely, Sir, so vague,—so indefinite a system, could not be attended with any results satisfactory either to the claims of the Roman Catholics, or to the views of the Protestants most favourable to those claims. What could be the security they would hold out? What ground could the claimants have for their permanence? They might remain altogether, if unaccepted, a dead letter; and if accepted, they might be repealed by any new parliament. Upon due consideration of the whole of this important question, I am convinced, that the proposition under just regulations may, so far from being dangerous to the church and state, give great additional security to the constitution, and impart new strength to the British empire. Under this impression, I shall give my vote for going into the committee: yet I must say, that parliament will, notwithstanding, be unprepared immediately to proceed to the final adjustment of all the necessary regulations and guards for the preservation of our happy establishment, whether civilly or religiously considered. There unquestionably does appear to me, at the present moment, an almost insurmountable obstacle, in the state to which the Pope is reduced, and in the thraldom to which he is degraded by a perfidious and inveterate enemy; yet I will not presume to maintain, that this obstacle, great as it is, may not be overcome by precautions and provisions, which it will become the duty of the committee and the House to ascertain and to adopt. I cannot but consider it prudent and wise in the House to take the whole of the case under their grave consideration; their interference must be felt with gratitude, and the consequences may be productive of the most salutary benefits not to the Catholics only, but to the general interests of the empire. Upon these principles I feel it my duty to go into the committee, where all the doubts and difficulties connected with the subject may be fairly met and discussed, and where investigation will, in all probability, produce results equally calculated to give satisfaction to the Catholics, and security to the constitution in church and state.

Mr. *Rose* assured the House, that if he were convinced any real benefits were likely to arise from going into the proposed committee, no man could be more disposed to assent to that measure than himself. He felt it due, however, to his own feelings and conviction, to observe, as the noble lord had mentioned the authority of Mr. Pitt, as having undergone no change of mind with respect to the question before the House, that if the noble lord meant to say, that Mr. Pitt was of opinion relief should be extended to the Catholics of Ireland, he agreed with the noble lord; but if the noble lord meant to say that Mr. Pitt's mind had undergone no change whatever on the subject, he should beg leave to differ totally with the noble lord; for he was convinced that if Mr. Pitt were at that moment in the House, he would vote against the motion.

Lord *Castlereagh* contended, that Mr. Pitt had been uniformly consistent in supporting the expediency of the Catholic claims; and in advocating that sentiment, exclusively of his own individul experience of that great statesman's opinions, he begged leave to appeal to the causes which had influenced his going out of office. With regard to the particular line of conduct which Mr. Pitt might adopt, were he then present, he would leave it to the House to decide, whether either the right hon. gentleman or himself, could be justified in delivering a decided opinion.

Mr. *Manners Sutton* rose and said:

Sir; anticipating that I shall probably vote in a minority, on this occasion, I am anxious, as briefly as possible, to state the grounds upon which I shall give my vote: it may be owing to my ignorance of the forms of the House, but really, Sir, I do think, in consequence of the concluding part of the noble lord's speech, many members are placed in an aukward predicament. Is the going into the committee a mere matter of form? Is it intended, in that committee, substantially, and, one by one, to consider the details of this great measure; a measure depending in its policy, in its safety, in

its practicability, avowedly on details? If this committee is to be mere matter of form, or rather to be considered a necessary step preliminary to entertaining any bill on the subject of so important a constitutional change, I am no longer surprised that those who argue for full and unqualified concession, without any reserve or restriction whatever, should now vote for the first formal preliminary. They will do right, and act consistently. But I am certain that many, who have delivered their sentiments, in the course of this debate, on both sides, have been equally unapprised with myself, of the precise nature of this committee; for to those who argued what were considered as minor matters of detail, it was constantly answered, 'All this is fit subject for the committee;' and, indeed, many who expressed their intention to vote for this committee, distinctly stated their grounds for such vote to be these, that full opportunity would be given, in the committee, for the most ample discussion. This expectation, however, it now seems, will be disappointed, and the discussion is to be reserved for the Bill itself.

Now, to those who agree with me, that great difficulties are involved in the consideration of this question; but who, seeing these difficulties, much in the same light with myself, still see their way out of them,—to such persons I wish particularly to address myself. I object to this first step, because I anticipate no result but mischief, confusion, and dangerous irritation. For what has the House come to after three nights' serious debate? Nothing, as I conceive, but an acknowledgment, that the difficulties, upon investigation, are increased instead of diminished.

The right hon. gentleman who opened the debate, has not very explicitly described his plan. He stated that the disabilities of the Roman Catholics ought to be done away, but, at the same time, that care must be taken to preserve inviolate our present establishments. How this was to be done, the right hon. gentleman did not explain. Then followed a right hon. and learned gentleman, to whose speech so much reference has been justly made, for its candour, moderation, manliness, and eloquence; and he, conceiving that the mover's views had not been clearly understood, stated, that the safeguards, in his contemplation, were Domestic Nomination, salaries to the clergy, and some arrangements about education. He distinctly objected to the Veto, as having been already rejected, and not worth contending for. This called up an hon. baronet, whose industry, information, and zeal, in favour of those claims, entitle him to the warmest thanks of the Roman Catholics, and to every attention from this House; and he stated, that Domestic Nomination could not be listened to; the Veto must be adopted, and even that would be inefficient, without other auxiliary restrictions. And lastly, the House was addressed by many honourable members, who not feeling assured that any of the plans proposed would answer the purpose, and having none to propose themselves, still voted for the committee, under confident hopes that some new lights would be struck out in the committee, though the committee, now proposed, and for which they stated their intention to vote, did not afford any reasonable expectation of realizing those hopes.

Now, I am certain the House will go along with me in considering these securities, restrictions, and safeguards, as substantial ingredients in the measure proposed. It would be a monstrous deception to consider them as mere matter of detail in the framing and embodying the measure; they form a main part of its essence, and therefore to say, that the House, being only called upon to recognize the principle, it is not necessary to explain in detail the securities, is, in my judgment, a perfect fallacy. The principal point of restriction, alluded to in the debate, has been with reference to foreign influence; and the discussion, on that single point, affords sufficient grounds to call for a resistance to the motion. It has been asserted, that the Veto is not worth contending for; that Domestic Nomination will do as well. I admit the Veto is not worth contending for: but at the same time, think it important to remark, that the Veto has been rejected, not because it was obnoxious to the feelings of the Roman Catholics, but because they considered that it was inconsistent with the tenets of their religion, in the light in which they viewed the proposition at the time it was made, to admit of such a restriction on the spiritual supremacy of their church; and how, therefore, can any hope or expectation be entertained that Domestic Nomination, which involves the same question, of the spiritual supremacy, the only other avowed expedient, can possibly be acquiesced in: and here is the im-

portance of the present tone and temper of the Roman Catholics, and also of the present captivity of the Pope; because it is most essential, in order to ascertain what restriction on this foreign influence can be chalked out, both efficient for the security of the Protestant establishments, and admissible by the Roman Catholics, that a communication should be had with the head of their church, with that authority, which would now be acknowledged as full, free, and undoubted, and which would, at all times hereafter, be considered as indisputable and unimpeachable: and I will ask, can such a communication be now considered as practicable? Nobody has ventured to affirm it, and few, I am persuaded, will think that, without such a communication, these claims can be conceded.

Having thus stated myself dissatisfied with the heads of the plans that have been suggested; having it admitted to me, by a great majority of the House, that safeguards are necessary; having none to propose myself, I cannot agree with those members, who, being much in the same state of darkness with myself, both as to the propriety of what has been proposed, and the practicability of putting it into execution, are nevertheless inclined, at once, to vote for this committee, and trust to future discussions for the essential details of this measure. No man, in my opinion, is justified in taking this step, without an entire conviction that the measure can now be perfected; hopes and expectations that it may be matured are not sufficient, for I am certain that, if the House adopt the present motion, and afterwards fail in accomplishing the whole measure, great mischief will ensue. This step will have excited hopes and expectations in the Roman Catholic mind, which cannot be satisfied, and apprehensions and irritation in the Protestant mind, which cannot easily be allayed. For these reasons, without entering more into detail, I shall give my vote against the motion. Indeed I feel that I am strongly confirmed in some of my positions by the noble lord, though I have the misfortune to differ from him, in the conclusion to which he came.

The noble lord has stated, that the present tone and temper of the Catholics are important circumstances, though he considers them rather as a bar to the immediate completion of this measure than the entering upon it. So also the right hon. gentleman, last year, in proposing his Resolution, thought the feelings of the public, whether Protestant or Roman Catholic, a circumstance of essential importance; for the Resolution was, that this measure might be effected, to the satisfaction of all classes of his Majesty's subjects. Now, I think, the feelings of one class of his Majesty's subjects, the Protestants, both of England and Ireland, are pretty clearly shewn, by the Petitions on the table; and here I beg to express my regret, that, for the first time, those Petitions have been subjected to a scrutiny and sarcasm, unprecedented in this House. I have been astonished to hear the right hon. mover deal so harshly with the Anti-Catholic Petitions from Ireland, and that those criticisms occupied the larger part of his speech.

The right hon. mover began with announcing his intention, more particularly, to address himself to an examination of those Petitions, as if the measure itself had been so clear and plain, that there were no difficulties nor impediments, but such as were to be found on the face of the Petitions, to which he referred: and he proceeded to state, that he strongly protested against the high sheriffs of counties in Ireland, lending themselves to any requisition for the convening of the Protestant inhabitants of the different counties, to petition the parliament against their Catholic brethren. He seemed to think the meetings ought to have been general to the whole county.

I beg to ask how it would have been possible for the Protestants, in Ireland, to have expressed their opinions or apprehensions to parliament, on this subject, in any other way. For, if the meetings had been general, could there have been any doubt, considering that the Roman Catholics are said to be in the proportion of three to one to the Protestants, that those petitions, whether in favour of, or in opposition to, the Roman Catholic claims, must necessarily have been the Petitions of the Roman Catholics, and not of the Protestants,—the majority of the meeting must have decided its resolutions, and that majority must have been Roman Catholics,—therefore, if the Protestants were to be permitted; at all, to express their opinions, by petition, it could only have been effected in the way it was. But, with respect to the subject of the Petitions, is it fair that the Protestants should have been placed in this dilemma? If they do not

petition, as was the case last year, it is concluded they are favourable to the claims—and if, to avoid any such mistaken conclusion, they feel themselves actually goaded into petitioning, in order that their real opinions may not be misunderstood and misrepresented, then they are reflected upon as petitioning the parliament against the liberties of their Roman Catholic brethren.

With respect to the other petitions against these claims, I again repeat that I think they have been held up to a nicety of criticism perfectly unusual; very ill suited to a fair, temperate, and impartial discussion of the subject, and not very well calculated to promote that general satisfaction, without which the resolution of last year admits that the attainment of the object, now in view, is impracticable. There have been, however, other observations, with respect to a certain description of petitioners, which I cannot suffer to pass unnoticed,—I mean the reflections which have been cast, most unjustly, and, as it seems to me, with as little liberality as justice, on the clergy who have petitioned.

A noble lord, on a former evening, to my astonishment, asserted that it was indecent in the clergy to petition parliament on a purely political question. I deny both the position itself, and its applicability to the subject now before the House. It is the first time I have ever heard, and I will not readily believe it, that, even if this question was simply political, the clergy is the only description of British subjects, who are to be considered as divested of, what has, so often and so justly been styled, the birthright of Englishmen. But is this a purely political question? Has it no religious consideration involved in it? What are the restrictions and safeguards for? Why, it has been admitted, by all who have pressed the necessity of them, that they are mainly for the security of the Protestant establishment. I will leave, therefore, the noble lord to settle this point with the promoters and framers of the intended measure, with this one farther observation, that, in my judgment, the clergy are so far from stepping out of their line by expressing their views, in the way of petition, that I should have considered them most remiss, in the discharge of their duty, if they had omitted gravely to consider, and firmly to declare, their sentiments, upon the effects, which these concessions might produce.

An hon. baronet, who spoke early in the debate, did not confine himself to reflections on the clergy in general, as far as they appeared in petitions; but conceived himself justified in animadverting, with great severity, on a publication from a right reverend prelate. The hon. baronet charged that right reverend prelate with having accused all the advocates of these claims of "artful misrepresentation, specious liberality, or infidel indifference." I have read this production, which I doubt whether the hon. baronet had, at the time he hazarded such a charge; for I undertake to state, that no such construction belongs to the passage. His friend, the right reverend prelate argues, that the Roman Catholic question combines both religious and political considerations, and that any opinion, which maintains, that this question is simply and exclusively within either the one or the other, either religious or political, but not combined of both qualities, could only be founded in artful misrepresentation, specious liberality, or infidel indifference. I then ask the House whether the misrepresentation of the hon. baronet is not most glaring? and whether the comments and observations, with which he has connected it, are not only unwarranted by the passage referred to, but equally inconsistent with the high respect and esteem, which the right hon. baronet professed himself to entertain for the talents, the learning, the elevated rank, and high character of that right reverend prelate? But the hon. baronet did not stop here; for, in quoting another expression of that right reverend prelate, in which he states himself "a friend to the fullest toleration," the hon. baronet took rather an unusual mode of proving the sincerity of his own respect and esteem, by representing this right reverend prelate as a friend to just so much toleration as has been conferred, and which consequently he could not take away. But I hope the hon. baronet has read the publication since: I believe that curiosity may have led him to read it, if it were only to see whether there should chance to be any passage, to which he could attach such general and unmeasured censure. If, however, the hon. baronet, with any view, has now read it, I am certain he will not maintain what he thus advanced.

Much has been said on both sides, with reference to the opinions of Mr. Pitt; as if, by such reference, the course could be made quite clear for those, who should be

willing to shape their own conduct, on the present occasion, by his great authority. I know nothing of the opinions of that great statesman on this subject, but from such sources as are accessible to every one, I mean his public conduct, and his speeches, as published. From these sources I collect that, unquestionably, Mr. Pitt was favourable, in principle, to the Catholic claims—that he was decided, that these concessions should be accompanied with solid and efficient restrictions and safeguards; and that, viewing these claims as matter of expediency and not of right, he was distinctly also of opinion, that times and circumstances were considerations of the greatest importance; whether, therefore, the present times and circumstances would have been judged, by Mr. Pitt, as favourable, I do not know, nor can I place much reliance on the speculations of others on this point; of this, however, I am certain, that Mr. Pitt would never, at any time, have consented to go into a committee, or take any preliminary step, such as the present, towards the completion of that great measure, without having previously made up his own mind clearly and distinctly, as to what should be conceded—what should be withheld—and what precise restrictions should be imposed.—In such a state of preparation, I do not conceive the majority of this House, to be at the present moment; I think, the reference, which has so often been made, to Mr. Pitt's opinions, is a very insufficient guide, even to those who look with all the admiration and respect, that I do, to such authority, and shall therefore give my decided negative to the motion.

Sir *Robert Heron*, in explanation.—Sir; I am extremely unwilling to detain the House, even for a moment; but, after the violent and unexpected attack, which has been made upon me by the right hon. gentleman, who spoke last, the House will not expect I should remain silent. Another hon. gentleman (Mr. Robinson) last night accused me of having uttered a grosss calumny, and after that Charge had been brought, I must so far agree with him as to say, that it must belong either to me or to him; but the right hon. gentleman who spoke last, has entirely misrepresented me. I did not call the learned bishop my friend; that term with me is sacred; and I have no right to use it towards the learned bishop, with whom I have not had the opportunities of cultivating much acquaintance. But I did say, that I had a high personal respect for the learned bishop, and that I had derived both pleasure and instruction from his former writings. As to my application of the passage in the charge of the learned bishop, it will, I think, be most satisfactory to the House, I should read this passage, with the context. "No one can be a greater friend than I am, to toleration, properly so called; I consider it as a mark of the true church, as a principle, recognised by the most eminent of our reformers and divines. But I contend, that the Roman Catholics are already in complete possession of religious toleration. What they now demand is political power —a species of political power which, in my judgment, could not be granted, without extreme hazard to our constitution in church and state. Popery is not only a system of religion, it is also a system of politics. This, indeed, is so manifest, from the history of these kingdoms, subsequent, as well as prior to the Reformation, that those who have, of late, undertaken the cause of the Papists, and urged the removal of all the restraints, framed by the wisdom and piety of our ancestors, to prevent a repetition of those horrors and miseries, which were fresh in their memories, assure us, that Popery now is different from what Popery was. I am confident that this opinion has led many to support the claims of the Papists, who are truly and zealously attached to the church of England, and would be among its most firm defenders, in any time of trial; but I am convinced, that no opinion was ever more unfounded. To trace this opinion to artful misrepresentation, specious liberality, or infidel indifference—to prove it false from the dogma of infallibility, which allows no change—from the decrees of the councils and the bulls of Popes, which contain the most mischievous political maxims, and authorise the most unwarrantable interference with the rights of civil government and of religious liberty—to prove that recent facts, and recent publications, absolutely and authoritatively maintain the same doctrines, and contradict the idea of any alteration, as derogatory to the honour of their church, may perhaps, if life be spared me, and circumstances should demand it, employ some future hour."—I now leave it to the House to judge, whether the passage in question is or is not applied, by the bishop, to those who differ from him in opinion?

Mr. *Robinson* explained, that what he had said, and to which the hon. baronet had alluded, referred to that remarkable expression in the hon. baronet's speech which he had used when speaking of the petitions received from the clergy. Those petitions he had represented as coming from men who had mitres *on* their heads, or mitres *in* their heads. This, I said was a gross calumny, and from that expression I do not depart.

Mr. *M. Sutton* repeated that the passage in the pamphlet which had been alluded to, did not deserve the construction which had been put on it, and contended he had a right to state such to be his opinion, and this opinion he would still maintain.

Mr. *Ponsonby* said, what had just passed showed to what perfection the critical taste of the House had been brought. This, however, had been amply illustrated in the course of the present discussion. They had, nevertheless, been told, that they ought not to criticise the petitions submitted to them too closely; yet one hon. gentleman who had spoken from under the gallery, had said he could not vote for the motion on account of the intemperate language held by the Irish Catholics, and this though the English Catholics, it was admitted, had urged their claims with singular modesty. Thus it would be seen, in whatever temper the Catholics pursued the object they had in view, with some it was impossible their prayer could have effect. Particular notice had been taken of what had been said by an hon. baronet, respecting a certain prelate, yet last night the chief secretary for Ireland had cast quite as strong a reflection on another reverend prelate, who was in every respect as venerable and as immaculate as the bishop of Lincoln.

Mr. *Croker* spoke to order. He wished merely to say that his right hon. friend had last night distinctly disclaimed any intention of casting the most distant reflection on the bishop of Norwich.

The *Speaker* said it was not strictly regular for one hon. member thus to rise to explain what had fallen from another.

Mr. *Ponsonby* resumed. The intemperate language held by the Catholics, he contended, was not to be wondered at when the state of the press in Ireland was considered, which was understood to be under the controul of the right hon. gentleman's government, from which publications were constantly issuing, filled with vituperative slanders against the Catholics. It was said that as the Catholic religion remained unchanged, the Catholics were no more to be trusted now than they were a century or a century and a half ago. Did they believe any reliance was to be placed on the oath of a Catholic? If they did not, they must believe the Catholics capable of the most abominable perjuries; if they did believe the Catholic on his oath, when he swore that no foreign ecclesiastical authority "has, or ought to have" any temporal power whatever in the King's dominions, they ought to be satisfied that his faith was not dangerous to the state. Before they assumed that it was hostile to the state, it ought to be shewn in what respect his acknowledgment of the supremacy of the see of Rome could produce mischievous effects. Would the Pope raise an army to fight against this country, or would he assist the views of foreign powers, by seducing the subjects of this country from their allegiance? Would he assail us, by open force, or endeavour by secret plots to undermine our ruin? In no one of these designs could the Catholics concur according to the oath they had taken. He had felt much satisfaction at hearing the noble lord (Castlereagh) say, he would certainly vote for going into the Committee, but that satisfaction had been considerably abated, at finding that he would as certainly vote against the Bill which it would subsequently be proposed to bring in. On the subject of the Veto he had to observe, he did not know that it was impossible for it ever again to be brought forward. The Catholics had not said they would never concede it. All they had said was, that at the time at which their resolutions were passed, it was inexpedient to give it up. He admired the tender anxiety which had been displayed by some hon. members for Catholic consistency, as manifested by their earnest endeavours to prove that the Veto would never be conceded, and that domestic nomination would never be submitted to, and on this ground objected to taking their claims into consideration. The Catholics were suspected of entertaining some secret opinions (secret they must be, for no such opinions had ever been allowed), that they were not bound by an oath to keep their engagements with those who professed a different religion. On the doctrine of mental reservation, he wished to read the opinions of the Catholics. To

these he wished to call the attention of the House, as what he was about to read was worth hearing. The Catholics had not affected to despise the charge preferred against them on this subject, but had applied themselves to disprove it, and declared, "That it was a fundamental principle of their religion, that no person on earth could license men to lie, forswear, or perjure themselves, or to act against their country, under the pretence of serving the cause of religion; and all pardons issued on such grounds, could have no validity, and would only add sacrilege and blasphemy to the above mentioned crimes."—The noble lord had said this was not the time at which the measure that might be resolved on, in favour of the Catholics, could be immediately carried into effect: that it was one, which ought not to be hurried, which could not be come to in a day. No one wished it to be hurried; on the contrary, they were ready to give any time for the consideration of it which the public might think reasonable. Motions on this subject, it was formerly said, were useless; but, he would ask, had the discussion of the claims done no good for the cause? He had heard, indeed, that the sense of the country was against it, but he believed the contrary to be the fact, and that the great body of the property and information of the country was decidedly in favour of the Catholics; and this he believed to be the effect of the frequent discussions which had taken place on the subject. The objection made to the declaration of the inviolability of the Protestant establishment in the proposed Bill, he thought futile and ridiculous. It might as well have been contended that because the security of the Protestant succession to the throne had been enlarged upon in the Bill of Rights, that that Act had settled the succession; as it could never be maintained that those laws which it was proposed to name in the Bill to be brought in, could appear by that to have been enacted. Nothing could be rationally apprehended from admitting the Catholics to the privileges of the constitution. They would naturally be attached to that form of government which gave them emancipation. Was it feared that they would enter into a traitorous correspondence, or commit treasonable offences? If they were to act thus, would they not be amenable to the common law? Was it supposed that they would attempt to rise in a body to kill the Protestants? If they were disposed to act thus in consequence of their being admitted to the constitution, would it not be in the power of those who gave them emancipation to reduce them to their present situation again? This could not be doubted; nor could it be doubted that the Protestants, who relieved them from the disabilities of which they complained, would guard against the succession of a Catholic to the throne.—He denied that going into a Committee, even if they did nothing, would exasperate the Protestants and disappoint the Catholics. Oh! but it was said, they must give the Catholics every thing they asked, or they would not be satisfied. Had the Catholics said so? was there no reason to believe they would be grateful if but a part of what they asked were granted? But they would not be satisfied, it was said. If they meant by satisfied, that they would never ask any thing more, he would not promise this for them. And could it be any imputation on any class of subjects, that while any disqualifications remained, they should apply to parliament for relief? By going into the Committee they would shew a spirit of conciliation which he thought would be likely to do more good than any thing that had been done for centuries. They had not taken their claims into consideration, and going into a Committee was a great advance in favour of the Catholic cause. The charges brought against the right hon. mover for not bringing forward his Bill, were unfairly urged, as by a standing order he was prohibited from doing so. A Bill could not be brought in to alter the laws in religious matters without the authority of a Committee of the whole House. The right hon. and learned gentleman had said, if means could be devised in the Committee which could remove from his mind the apprehension of danger, he should be most happy to concur in any proposition for relieving the Catholics from the disabilities of which they complained. Mr. Ponsonby said he hoped every man would go into the Committee with the same feeling. He hoped no one would go into it, in the hope of defeating its avowed object. Those who had such a wish, he conjured to oppose the present motion. It would be acting a better and an infinitely more manly part, than to go into the Committee to excite false hopes only to produce disappointment. If they went into the Committee with a sincere desire to ac-

complish the object in view, he thought they would do more good for the country, than had been done by any one act for many years past; and when the House agreed, *bona fide*, to take into consideration the Catholic claims, they would give themselves a right to expect a spirit of conciliation on the part of the Catholics. The best security for the allegiance of subjects was their own interest. He despised what were usually called securities; but when the House shewed a disposition to go as far as they could to conciliate the Catholics, he thought the Catholics were bound to go as far as their faith would admit them to go, to meet the House in a spirit of conciliation. This he should not value as a measure of security, but he should value it as a measure of satisfaction.—He had told the noble lord twice last year, that if America proved unreasonable, he would support the government of this country in resistance to her demands. He had kept his promise, and he would now pledge himself in a similar manner with respect to the Catholics. He was confident his friends about him would do the same. The conduct of government, when it was that which was demanded by the welfare of the country, would ever meet with his support, and though this might exclude him and his friends from power for ever, he, for himself, should cheerfully do it, and he was satisfied from the noble disinterestedness of his friends around him, which had been displayed on many occasions, that they would cordially join him, as he knew they had no wish for power, but to employ it for the general good.

Many gentlemen rose at the same time, but being loudly called upon by the House,

Mr. *Canning* rose and spoke as follows:

I am sorry, Sir, even at this late period of the debate, to interfere with other gentlemen, many of whom, I see, are still anxious to deliver their sentiments upon the great question now before you. But, called upon as I have been in the course of this evening, by my right hon. and learned friend (sir William Scott), and rebuked for having continued so long silent, I feel myself compelled no longer to defer offering myself to your indulgence. I should have thought, indeed, that I owed an apology to the House, had I risen earlier on this occasion; considering the ample opportunities which I have already had of explaining my views and opinions on the subject in discussion. I should have thought so the rather, as, in the present state of this question, it does not appear to me to be at all incumbent on myself, or on those who think as I do, to urge any original matter, to induce the House to agree to the Resolution now submitted to their consideration. The natural and obvious course for the House is to agree to it. It is for those who would dissuade them from so agreeing to state the grounds of their dissuasion.

If, on former occasions, it has been matter of dispute on which side the burden of proof lay, on the present that dispute cannot be maintained with any shew of reason. It might be matter of dispute in instances where some called for innovation in existing laws, and others resisted that call. But, in the present instance, the only question is, shall we redeem a pledge, given by the House of Commons to the country? We stand committed to proceed, this session, to a consideration and settlement of what is called the Catholic Question; to a settlement of it, at once conciliatory with respect to our Roman Catholic fellow-subjects, and consistent with the security, and conducive to the strength of the Protestant establishment in Church and State. This pledge, the last House of Commons gave to Protestants and Catholics,—to the united kingdom, and to the world. To set about redeeming this pledge is, I say, the natural and obvious course for the present House of Commons. The burden of the proof lies with those who would divert us from pursuing it.

Considering, therefore, Sir, the present Resolution as the offspring of that, which I had the honour of submitting, last session, to the House, and the satisfaction of inducing the House to adopt,—I feel myself quite as much responsible for this Resolution, as the right hon. gentleman himself who has moved it, and quite as much interested for its success. I have, therefore, thought it my duty rather to wait to hear the objections, which might be urged against our following out the line of conduct which the Resolution of last year had laid down for us, than to overlay the debate with unnecessary and misplaced exhortations to do that, which, until the contrary should have been recommended to them, it was to be presumed that they must be disposed and determined to do.

I am not unaware, Sir, that I am addressing a new parliament; and that this House

is not, technically speaking, bound to redeem the pledge of the last House of Commons. But, on a matter of such high national importance, I may surely be allowed to hope that our conduct will be conformed to the dictates of morality and sound policy, rather than fettered by mere technical forms. This House of Commons has certainly the power of departing from the Resolution of last session; that resolution is not absolutely binding upon us: but, in my humble opinion, we should not easily satisfy the country,—I hope we should not satisfy ourselves,—if we came to the determination to abandon a moral duty, because we might do so with impunity.

Instances are not wanting, in which succeeding parliaments have adopted, and executed, with filial fidelity, the declared intentions and bequeathed trusts of their predecessors. It will be in the recollection of many who hear me, that, in the case of Mr. Hastings, it was held that the dissolution of parliament did not abate an impeachment instituted by the House of Commons. Would it not be strangely ungracious and impolitic to contend that, in all harsh and inquisitorial proceedings, we are studiously to guard against interruption by a dissolution: but that, in every thing of a milder and more agreeable nature, we are to invert the rule; and to admit that proceedings of conciliation and kindness are defeated and annulled by a dissolution; and are not to be resumed nor recommenced without exceeding jealousy and circumspection? And is there not something in the peculiar circumstances of this question, and of this time, which should make us particularly anxious to avoid the imputation of such a construction? It is impossible to forget the condition in which the ministry stands, in relation to this question. They are divided amongst themselves; and act upon it, not as a ministry, but each member of the government on his own individual opinion. It is, however, well known, that the preponderance of sentiment, among the members of the government, is adverse to the discussion of the Catholic claims. Would it not be unseemly, at least, if not of fearful consequence, to lead the people to believe that the dissolution of parliament had been resorted to, under these circumstances, in order to defeat the purpose of the House of Commons, and to interpose between their pledge and its accomplishment? I attribute not to the government this design,—and, indeed, the conduct of the noble lord (Castlereagh) this night encourages the belief that such could not have been the intention of the act, to which I have alluded. But I state the danger and inconvenience of such a misconstruction, as contributing strong additional reasons for our proceeding, without hesitation, to give effect to the determination of the late House of Commons, and for our not suffering ourselves to be turned aside from this plain, straight-forward course, by any quibbling dispute, as to the degree of obligation, under which we lie, to discharge the duty which has devolved upon us.

I have said, Sir, that I feel myself fully as responsible for the present proposition, as the right hon. gentleman who has brought it forward. The House will recollect that, on the night on which I was so fortunate as to carry the Resolution, which has been read from the Journals of last session, I did most willingly surrender into the hands of the right hon. gentleman the task of rearing the superstructure on the foundation of which it was then my happiness to lay. I surrendered it to him with all that deference, which his great talents and authority demanded; and with a confidence, which his moderation has justified. From that moderation—from the temper displayed, in the course of these debates, by the right hon. gentleman himself, and infused into them by his example, I augur the happiest effects.

To him is to be joined, in the same praise, a right hon. and learned gentleman (Mr. Plunket) near him; to the merits of whose speech, on the first night of this debate, it is superfluous to add my feeble testimony: a speech displaying not only the talents of an accomplished orator, but the large views and comprehensive mind of a statesman; but still more commendable for a still greater excellence,—that of manfully disclaiming all meretricious popularity; and courageously rebuking the excesses of those, whose cause he came forward to plead. This debate will, I hope and I believe, have taught the Catholics that, while they may look, with confidence, to such powerful advocates, so long as they advance their claims with temper and constitutional deference to the authority of the state under which they live, they are not to rely upon a factious countenance and support, if they should attempt to extort, by intimidation, that boon, which we hope to grant to their

prayer; or should contumaciously refuse to receive it in the same temper in which it is intended to be proposed. Sure I am that this conduct of the advocates of the Catholics has contributed mainly to that favourable disposition, which I think I perceive around me, on this night, and which, I trust, we shall carry with us, into the committee.

The objectors, Sir, to the present motion, may be divided into three classes. The first are those who, having concurred in the vote which I had the honour to propose last session, find, in circumstances which have since occurred, reasons for changing their opinion. The second and third classes comprize all those who either not having been parties to the vote of last session, or having opposed it, are equally at liberty to decide on the present question, according to their own judgment, and the difference between these two classes is this, that the objections of some rest on circumstances, which are transitory and temporary in their nature; while others cannot conceive any time or any circumstances, which could remove their difficulties, or soften their hostility to the Catholics, or make any change in the aspect and policy of the question.

With respect to the first class, or, I should rather say, with respect to him, who constitutes that class by himself—for my hon. friend (Mr. Bankes) has yet had no followers; he stands, as Cowley says of Pindar, "a phœnix," "a vast species alone." With respect to him, Sir, (for whose opinions, both when they differ from my own, and, I need hardly add, when they agree with my own, I feel the most unfeigned respect) the main objection which he feels to going into the committee, is founded on an apprehension that its result will be wholly unsatisfactory; that it will disappoint the sanguine hopes of the Catholics, and will equally fail in realizing the just expectations of the Protestants. He says, that the conduct of the Catholics, since the last session of parliament, has been full of turbulence and audacity; he says, that an alarm and inquietude pervades the Protestant community; and that the two parties are so far asunder, as to make any attempt to approximate them altogether hopeless: and he is of opinion, therefore, that, instead of persevering in the course chalked out by the last House of Commons, we cannot too soon put an end to any expectation of an interference on the part of parliament in a work so unpromising of advantage. My hon. friend well knows, and has correctly and candidly allowed that, with my view of the matter, I might admit his premises, both as to the conduct of the Catholics, and as to the state of the Protestant mind, and still contend that they are not conclusive against the proposition, upon which the House is to decide. I might admit, that the Catholics are in a state of ferment and agitation; and that the Protestant mind is anxious, and irritated in a high degree; I might admit, that these feelings of the Protestants are not less just than they are strong; and that the conduct of the Catholics has been such as their enemies must rejoice at, (if indeed their worst enemies be not those who have produced it), and as their friends must lament, though they will not immediately desert them, on account of it: but when I had admitted all this; when I had described this state of things in as dark colours as my hon. friend could supply; when I had exhausted all the figures of speech in expatiating upon its deplorable nature, and dangerous consequences, I should then have to ask my hon. friend, "Is this a state of things which you wish to continue? or is it not rather one for which it is the duty of parliament to endeavour to find a remedy?" I feel as much indignation, as any man, at the conduct and temper which the Catholics have, in too many instances, exhibited: but I attribute it (as it has been attributed by many of the best informed upon the subject) to the influence and efforts of persons, who care not for the Catholic any more than for the Protestant part of the community; who see, in the distractions of the empire, the opportunity of gratifying their own personal ambition; who, for that purpose, would push the Catholics to excess, and exasperate the Protestants into resentment; whose object, in short, is not the settlement of the question, but its prolonged, and angry, and turbulent agitation. My policy, therefore, would be very different from that of my hon. friend. I would not go forth in the spirit of anger. Whatever indignation I may feel against those who have raised this storm, and who endeavour to encrease it, I consider the expression of that indignation as a secondary duty; our first duty is to tranquilize the storm: as the fabled Father of the Sea is beautifully described by the poet, when the ocean had been disturbed without his consent, as rebuking the felon

winds which had thrown his element into such fearful agitation; but presently recollecting that the punishment of the authors of the mischief, may be best postponed till the mischief itself has been allayed:

'Quos ego—sed motos præstat componere fluctus.'

Other arguments there are which my hon. friend has pressed into his service, on the present occasion; but of which it is sufficient to say, as coming from him, that they did not prevent him from voting in favour of my motion last session; though, if they be of any force now, they existed in equal force at that period. He complains, among other things, that the Catholics have not amalgamated with the Protestants, by intermarriages; an expedient which he thinks might have softened the asperities of the contending sects. This may be true, but it is at least, no new charge against the Catholics, nor any new cause of ill-will between them and the Protestants since, or arising out of the last vote of the House of Commons on this question. Whatever other mischief my motion may have done, or had a tendency to do, surely there was nothing in it to interpose a barrier to connubial happiness, to check the instincts of nature, and stop the propagation of mankind. This is, at least, therefore, no ground of objection, which ought to have occurred to my hon. friend for the first time to-night; nor is it one arising out of the present state and temper of the Catholics, but rather out of the feelings and policy of times now happily gone by. If my hon. friend had considered this point a little more;—if he had looked back into the statute book,—he would have found, in severe penal laws, (laws but lately repealed) the true impediments to Protestant and Catholic intermarriages, in the penalties imposed upon the Catholic priest who should dare to celebrate such a marriage; in the inducements held out to the conforming wife to betray her non-conforming husband, in the invitations to the son, just come from the nursery, to turn Protestant, for the purpose of supplanting his Catholic father in his property, and converting him into a mere tenant for life. While such laws prevailed, it surely was not wonderful that the Catholics should not be very desirous of intermarrying with Protestants; no wonder that they should not court alliances, which might thus make domestic life one continued jar, one scene of disquietude, suspicion and treachery. But be the case as it may, there is, I say, nothing in this point to justify my hon. friend in withdrawing this night the support which he gave to my motion of last year; nothing, therefore, upon which it is necessary that I should enlarge, as peculiarly applying to his peculiar class of objections.

Of the two classes of objectors who, not being parties to the vote of last session, or who, having opposed that vote, are at perfect liberty to use their discretion on the present occasion; the one, as I have said, objects to the measure now before us on temporary, the other on permanent and unalterable grounds.

At the head of the first division stands my right hon. friend (Mr. Yorke,) who followed the right hon. and learned gentleman opposite (Mr. Plunket) on the first night of this debate. My right hon. friend hopes and believes, that the causes which prevent his present concurrence, in the proposed measure, are not likely to be lasting; and he has had the candour to specify a few of the conditions which he requires, as necessarily preliminary to his vote in favour of it. The first of these is the death of Buonaparté. On this condition enough has already been said by gentlemen, who have preceded me in the debate; a more helpless system of policy, perhaps, could not easily be devised, than one which should be contented to rest the tranquillity of this empire on the ground of no other hope than a *post obit* on Buonaparté's existence. The next condition stipulated for by my right honourable friend is the previous cessation of all irritation on either side; the extinction of all angry feelings; the discontinuance of all meetings, turbulent or peaceable, the silence of all complaints, petitions, and lamentations. Then, indeed, when the sense of suffering should appear to be deadened, when the expectations of relief should have been happily extinguished, when hope itself had "sickened and so died;" then, in this new millenium of contented apathy, this still sabbath of subdued desire, my right hon. friend would come cheerfully forward to allay disorders no longer prevalent, and to grant concessions no longer required. When the parties now agitated with mutual jealousy shall, of their own accord, have dropped all dispute and forgotten all resentment; when the Orange-man and the Catholic shall have abjured their animosities, and lain down together like the

leopard and the kid; then, in my right hon. friend's opinion, the period will have arrived for a legislative interference, for which he thinks the crisis does not call so long as there is any difficulty to solve, or any danger to guard against.

The only remaining condition which must, according to my right hon. friend, precede any grant of relief to the Catholic is, that he shall cease to be a Catholic. Let him renounce the tenets of his religion, not his hostility to the state (for that is renounced, disclaimed, abjured already, in all the forms and solemnities, which the most jealous suspicion can devise,) and then to this more than reformed religionist, to this Protesting Dissenter from Catholicism, my right hon. friend will hold out the indulgences which they no longer need. Sir, the good will of my right hon. friend would undoubtedly be of great value to any body of men; but I confess, that, to me, these conditions appear to place it at a price almost beyond the reach of human nature. Continue Catholics, and you are to expect my unremitting hostility. Cease to be Catholics, and I am your friend. Pope says of Atossa, that she

> ——" hates you while you live,
> " But die, and she'll adore you."

such or something like it, would be my right hon. friend's posthumous toleration of a religion which had ceased to exist.

My right hon. friend was followed by a right hon. and learned baronet (sir J. Stewart,) formerly in a distinguished legal situation in Ireland. That right hon. and learned gentleman, so far as I was enabled to collect the tendency of his speech, after balancing some time the arguments in favour of concession, with those for resistance to the Catholic claims, decided, in the end, for continued resistance, on the ground that nothing could be done by parliament, until you were previously assured of the good and peaceable disposition of the Catholics. Where is the agreement, he asked, between the right hon. mover of this question and the Catholic body? Where the assurance that the conditions, which it may be thought right to annex to any boon, which parliament may be disposed to grant, will be complied with? The answer to this argument surely has been given so often, that it is hardly necessary to repeat it An arrangement must begin somewhere. Will you not rather begin on that side which has authority to grant, and to enforce the conditions of its grant, if necessary, than with that which, being composed of persons not competent to bind each other, has no legitimate organ through which its collective sense can be spoken, or by which any engagement can be taken, in its behalf? Let parliament enact, and the Catholics must obey; but to call upon any portion of the Catholic body to answer for the rest beforehand, as to what points they will be willing to compromise, is plainly and wilfully to lead them into a difficulty, I do not say with the hope, but I must say with the almost certainty of their not being able to extricate themselves from it. How is the Catholic will to be collected? By a general meeting? Physically impossible. By delegated representation?—That you have, and properly, put down. You have no resource, therefore, but to legislate for them: and the perpetual recurrence to the question, what will the Catholics agree to? appears to me scarcely more unjustifiable, as applied to the Catholics, than mistaken as applied to the practice of the constitution.

From this topic the right hon. gentleman diverged into a history of the penal laws against the Catholics in Ireland, not without some occasional expressions which might, by an uncandid hearer, have been interpreted, if not as conveying an approbation of these laws, at least as suggesting an apology for them. Among other points, the familiar assertion, that they are coeval with the Revolution, was not forgotten; an assertion certainly not employed by the right hon. gentleman to support the conclusion, that they ought therefore to have been retained in their full vigour, yet as certainly implying and conveying a notion of unwillingness too hastily to part with any portion of them.

First, however, this system of laws (as has often been sufficiently shewn) was not altogether contemporary with the Revolution. It was the work of four successive reigns. Secondly, laws which were requisite to guard an elected and a childless monarch against a dethroned rival, a rival holding fast the affections of his former Catholic subjects; and not of his Catholic subjects only; (for were there no churchmen Jacobites?) laws, I say, which might be justifiable in such circumstances, can they be stated to be therefore necessary now?—Look at the three following reigns, during which the system grew. To that of king William, childless, as I have said,

and a foreigner, succeeded queen Anne; herself childless also, and so favourable (as was supposed) to the restoration of her exiled family, that it might well be thought necessary by her parliaments to guard the succession to the crown against her own wishes, no less than against the machinations of rebellion and foreign power. George 1 was a stranger; and a stranger might be excused if he imbibed the jealousies, and adopted the system of that class of his subjects to whom he owed his throne, if he sanctioned and countenanced severities, which they represented as necessary, against those whom he was taught to consider as his irreconcilable enemies. The *res dura, et regni novitas,* might palliate, if it could not excuse such a policy, during such a reign. But if we excuse that policy, we surely do not therefore wish to perpetuate it: nor would we renew, if it were in our power, in the present times, the maxims, which guided the conduct of a monarch, who, whatever were his great or amiable qualities, had the misfortune, incident to the state of things in which he lived, of being the king of but half his people. Of the reign of George 2, it may be sufficient to say, that it witnessed one most formidable explosion of rebellion, arising not from speculative or religious differences, indeed, but from that attachment to a banished dynasty, with which the Roman Catholics of these realms were held to be particularly infected. It is not unnatural that, in the course of a reign so disturbed, laws enacted against this specific mischief should not have been repealed nor softened; should have been maintained rather, and enforced in all their rigour.

But the establishment of the Protestant succession is surely now in no danger. The tender plant might require to be fenced and protected: but it has now struck its roots deep into the soil, and its branches over-canopy the land. Such a change in the circumstances of this kingdom, and of the world, justifies and requires a corresponding change of policy. Not only are not the same dangers now in active operation; but they are extinguished, past the power, or wit, or malice of man to revive. The hand of death has crushed the political part of those dangers, the rival and banished dynasty; and therewith has dissevered, for ever, the ill-omened union of treason and religion. You enacted these laws, not on account of faith, but on account of politics. Was it against transubstantiation? No such thing: but transubstantiation was the symbol of a creed in politics, as well as in religion, the object of which was to overturn the established government and constitution. To continue these enactments against transubstantiation, when it is no longer the symbol of dangerous politics, is as absurd as if, having had occasion to advertise a runaway felon, and to describe him by his red hair, you should thereafter forget that it was the felony which constituted the crime, and should, in all time to come, consider red hair as a capital offence.

Among those who, without being fairly for a repeal at any time, are yet not for maintaining all things which remain in the Catholic code precisely and unalterably as they are, I was surprised, and not a little delighted, to find this night, I think for the first time, my right hon. and learned friend (sir William Scott) the member for the University of Oxford. My right hon. and learned friend, not only begs to be understood as by no means saying, that no time may come, that no possible case may occur, in which he might agree to further concessions to the Catholics; but he has gone much farther, and confessed that there are many things, in the penal code, which appear to him to be beyond the necessity of the case as it now exists, and which might even now be pared down with advantage to the country. I hail the omen of this most unexpected, this most gratifying admission. When the noble lord (Castlereagh) and other honourable members have expressed their apprehension that the going into a committee might only be productive of disappointment,—forasmuch as they despaired of being able to come out of the committee, not only with any satisfactory arrangement, but even with any approximation to a better understanding between the two conflicting parties, with any indication, however remote, of softened asperity, or growing good will,—how little did they expect that this debate would exhibit, in the person of my right hon. and learned friend, so distinguished a convert to the cause of Catholic emancipation! One who, in consistency with his own arguments this night, must be prepared, not only to consent to, but himself to propose many important relaxations; many innovations in the Catholic code, such as but a few weeks ago would have been resisted to the uttermost, if proposed by persons avowedly friendly to the Catholic cause!

That learned and eminent university, of which my right hon. and learned friend is at once the representative and the ornament, will assuredly receive with the most lively satisfaction the account which my hon. and learned friend will send them to-morrow of the part which he has taken in this night's debate, and has determined to take in the committee; and, with whatever apprehensions they may hitherto have regarded the progress of the present measure, assuredly that apprehension will subside, when they find that many of the relaxations which are to be proposed, perhaps most of those, which will be finally carried, are to originate with that learned and excellent person to whose hands their interests are so properly confided.

My right hon. and learned friend stands thus about midway between the class of temporary opposers, and that of those who would never concede any thing more. According to this last class, the extension of any privileges whatever to the Catholics is incompatible with the spirit of the constitution. If this be true—how shall we excuse the rashness of which we have already been guilty, in admitting them to the bar! in allowing them to become subalterns in the army! What mischief have we not hazarded by permitting them to come thus within reach of the vital parts of the constitution,—of its legal system, and of its military force,—with no other security for their good behaviour in trusts of such delicacy and under opportunities of such temptation to do—I know not precisely what indeed—than their oaths! Oaths which, as the same persons contend, convey no security at all!

The Catholic, it seems, holds no faith with heretics: he disregards the sanctity of the most solemn obligation; or uses it only as a snare for entrapping the unwary Protestant into a reliance which he may afterwards betray. It has been asked, indeed, by persons of a less jealous and wary disposition, "What would you have the Catholics do to prove their sincerity? They die in your defence."—Aye—that's their hypocrisy!—Sir, I confess I know of no argument which can avail against reasoning like this.

Happily it is not necessary for me or for others who take the part which I take in this debate, to explain and justify the policy by which the Catholics have been admitted to the privileges which they now enjoy. That is done. That is now the constitution. Let those who quarrel with it propose to mend it in their own sense; and then we shall have their view of the subject fairly before us.

But when, in consequence of the privileges already conceded to them, the Catholics are held out as traitorous and ungrateful, because they sigh for what is still withholden, it may surely be said,—not in recommendation of the policy of granting their wish, but in justification of them for entertaining it, that they live among those who enjoy higher privileges from which they are themselves excluded;—that to consider such exclusion as the stamp of degradation, is human nature;—and that, provided the further participation in the privileges of their fellow subjects be asked in a becoming manner, we surely need not resent the request, though we may determine, as best suits our views of the just interests of the whole community, when, and in what proportion, and with what qualifications we shall grant it.

Above all things, let us avoid a harsh, insulting, irritating language: let us avoid it on our side, to discourage it on the other. Much injury is done to the cause of either party by mischievous advocates. The blame of this sort of mischief does not rest entirely with the Catholics. I would it did. But, on the other side of the controversy, there have not been wanting examples, which I wish had not been afforded, to justify—or—(justify they cannot)—to excite and keep alive the intemperance of the Catholic demagogues. Societies are formed in this metropolis for disseminating the most absurd misrepresentations with respect to the Catholics; anonymous letters from Limeric; —histories of serving maids turned off on account of their religion;—such trash and trumpery, in short, as never before was brought forward in aid of any solemn discussion, or in support of any righteous cause. Take a few specimens of these publications.—(Mr. Canning here read several extracts from the publications in question, but concluded with saying)—Sir, I am ashamed to dwell upon such stuff. I should be sorry that my citation of them in this place should prolong their ephemeral existence. Were their vigour proportioned to their venom, they might poison society for a long time to come, and render altogether incurable the differences, which unhappily exist between the different classes of the community. But we shall hear no more of them after this night's debate, and after this night's

vote, which will shew, I trust, how little congenial is the temper of these publications and their inditers, to that in which the British House of Commons is proceeding to legislate for the peace and strength of the empire.

Some gentlemen have adverted, in the course of this debate, to the language of many of the petitions against the Roman Catholics, and have censured in grave terms the activity of the clergy in procuring and forwarding such petitions. I am not of their opinion, so far as relates to the clergy. Ill language, and strange and distorted reasonings, indeed cannot be defended by any authority or sanctified by any names; and the House will of course take the several petitions for what they are intrinsically worth, and for no more. But the clergy, I think, are unjustly blamed for their activity. I differ from them indeed entirely as to any apprehension of danger to the establishment, from the temperate and guarded concession of civil privileges to our Catholic fellow subjects; but I do not think the worse of them for feeling and exhibiting even exaggerated and groundless alarm, upon any thing affecting, in their conscientious opinion, the safety or well-being of the church. It is their duty to take such an alarm on the slightest indication of danger. Nothing can be more idle than to imagine that any class or description of men will see what they conceive their rights or interests invaded, or even approached, without feeling sensibly,—I might say sensitively,—the approximation of the innovating hand. Not a canal or a turnpike bill passes this House without experiencing, in its progress, the impediment of conflicting interests; and to reconcile such interests in great things and in small is one main function of this House. The constitution itself, practically perfect as it is, is one great system of checks and balances, apparently and theoretically counteracting, in effect controlling, each other. To maintain the peculiar privileges of that class to which we especially belong, is the natural impulse of passion, as well as, perhaps, the safest rule of duty. And shall we cast blame on those who are the guardians of the temple—the sworn depositaries of that vestal fire which enlightens and purifies, and consecrates the civil constitution of the state—if they manifest a more than ordinary jealousy, and rise up with more, perhaps, than a necessary zeal, against the very shadow of a danger—if they watch with trembling anxiety over a charge so precious and so holy? I acquit the clergy, then, as a body, of the blame which has been thrown upon them: but I could wish, at the same time, that they would consider with how good an effect they might set an example of mildness and charity in the controversy, in which, I am ready to admit, they may not be able to abstain altogether from engaging. They stand upon the vantage ground, and in proportion as they approach the nearest to the true and evangelical system of religion, they may, with the least hazard of sacrificing any part of its true interests, be forbearing towards those who are in error:

'Tuque prior, tu parce, genus qui ducis Olympo.'

It is not in exception, or derogation to this general apology for the clergy, that I mention a tract which has been put into my hands this morning, in answer to a letter published by a respectable Roman Catholic gentleman, whose name and high professional character (Mr. Butler) are probably known to many gentlemen who hear me. His answerer is, I have no doubt, a gentleman of equal respectability; and, evidently, upon the face of his work, a scholar of no inconsiderable attainments, and a divine of the purest principles. I refer to his work, and to Mr. Butler's, as perhaps the two least exceptionable, on their respective sides, to shew how liable even the best men are to be run away with by the zeal of controversy, and to be betrayed into modes of reasoning, and into harshnesses of expression which, in calmer moments, they can hardly fail to regret. The answerer begins, by charging Mr. Butler with "a material *suppressio veri*, which," says the reverend writer, "is, as Mr. Butler knows, almost as bad as a *suggestio falsi*." Now here are pretty strong terms, and such as any gentleman will probably allow ought not to be used, unless they can be borne out by pretty strong facts. "Mr. Butler (says his antagonist) begins, by stating to you the resolution of the late House of Commons, passed last session, stating, that it would take into consideration the laws affecting the Roman Catholics, with a view to such final conciliatory adjustment as might be conducive to the peace and strength of the united kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's sub-

jects. Now (proceeds the answerer), what Mr. Butler forgot to mention is, first, that this resolution, which was carried in the House of Commons by no very large majority, when proposed in the House of Lords, was rejected." So says the answerer. Far be it from me to apply to him, or to any other respectable man, the charge of 'suppressing truth,' or 'suggesting falsehood.' But that at the very moment when he was preferring against another the charge of 'suggesting falsehood,' he should himself speak of the majority, by which the resolution of last session was carried in the House of Commons, as 'no very large majority'—a majority of 'one hundred and twenty-nine,'—a majority, as every man at all observant of the proceedings of this House well knows, of very unusual magnitude;—that at the very moment of accusing another of suppressing truth, he should state the rejection of that resolution by the House of Lords, as more than counterbalancing this majority of the House of Commons, and sink, at the same time, the material fact, that it was rejected only by the smallest of all conceivable majorities,—a majority of one proxy;—these are oversights which plainly shew that there must be something so blinding in controversial zeal, as to mislead even the most ingenuous minds into accusations and assertions very ill assorted with each other.

A little onward I find another instance of that quick perception of the error of an antagonist, and that unconsciousness of one's own, which characterizes disputatious controversy. Mr. Butler has, it seems, attempted a "set-off" of Protestant against Catholic persecutions:—an unjustifiable and unprofitable mode of argument, I admit; and to be discountenanced with all the indignation which his adversary properly expresses against it. But is it not whimsical that, in the very midst of the vehemence of that indignation, the adversary should not be able to refrain from falling into the very fault which he was reprehending? Mr. Butler states, that "Servetus was burned by Calvin." The fact, I am afraid, is true. The inference (if Mr. Butler intend such an inference) of a "set-off" would be unjustifiable. But how does the answerer treat this argument? "Would not Servetus have been burned (says he) if he had remained in Spain?" As if the fault of this horrible murder had lain, not in the cruelty of the persecutors, but in the peculiarly combustible nature of the victim! Surely it is not thus that Mr. Butler's practice of "set-offs" is to be exposed and brought to shame!

These, I say, Sir, are instances which shew how much the best and ablest of men deceive themselves, when their passions and prejudices are called into activity, by an honest, though mistaken zeal, for, what they may think, the vital interests of the establishment, to which they belong. And when I speak of interest, let me not be supposed to mean that sordid species of interest, which I have heard attributed to the clergy, in the course of this debate, as if they were alive only to the emoluments and dignities of the church, and not solicitous about its purity of doctrine, and sober excellence of discipline. I acquit them, from my heart, of motives and feelings so unworthy of their high trust and calling. I believe them to be actuated by the purest zeal: and I quarrel not with any accidental intemperance, in their expression of it, however much I may regret and would discourage that intemperance for the sake of public example, and of the public peace.

I confess, however, that I am not quite so indulgent to all classes of petitioners who have thought proper to come forward upon this occasion. Among others there is one much relied on by my right hon. and learned friend (sir W. Scott), the petition presented by the descendants of the French Protestant Refugees. This petition might, I think, have been spared: it might have been more becoming, in these persons, to have acted as if, schooled by persecution, they had learnt mercy; as if the recollection of the sufferings of their ancestors had inclined them rather to protest against the principle of civil disabilities on account of religious differences, than to come forward the warmest and most eager advocates of that exclusion and those penalties, when inflicted upon others, which their ancestors had found so degrading and intolerable, when inflicted upon themselves. My right hon. friend was led, by this petition, to allude to some former speeches of mine, in which I referred to the edict of Nantz.—The edict of Nantz he admits to have been a well-intended attempt, but a most misguided one, he seems also to think, to quiet religious animosities by political concession: and, he says that after a short trial (a trial of near a century) it was repealed. What then did France gain by the edict

of Nantz? says my right hon. friend. What did France gain, say I, by the revocation of it? She lost by that revocation upwards of 800,000 of her most industrious citizens;—she lost her most skilful artizans and mechanics—a loss, impoverishing France even almost up to our day; and turning proportionally to the advantage of every country, in which the exiles found an asylum. This country, among others, has profited by the accession of skill and industry, which the refugees brought with them—by every thing except their passions and their prejudices, which I wish sincerely they had left behind them. We do not grudge them, nor their descendants, the protection which this country has afforded them. Let them not grudge to us the maintenance of quiet and harmony among ourselves. Let them not revenge on this nation, by stirring up and inflaming bitter animosities here, the injuries which they have inherited from France; and the consequences of which have made them Englishmen.

There is only another petition, Sir, to which I think it necessary particularly to advert. A few evenings ago, we saw the lord mayor of Dublin, for the first time since the Union, at our bar; claiming the same privileges of audience which are enjoyed by the sheriffs of London. Properly as well as courteously, this House received him with all the ceremony, which he desired. Why did this venerable person approach us with this state and formality? Why were we, now, for the first time, honoured by his appearance, robed in all the pomp of office? On what great and glorious victory did he come to congratulate us, and to join the voice of Dublin to the acclamations of this country? What grand local improvement in the internal state and condition of the metropolis of Ireland, or of Ireland itself, did he come to announce, or to recommend? None of all these causes brought him to your bar. He comes to check the growing liberality of this House to his Catholic countrymen. He comes with a petition from the corporation of Dublin to exclude their Catholic brethren from the franchises of the constitution. But is this his only purpose? or does he approach us with one hand only full? No, Sir, while, in his right hand, he waves the prohibitory scroll which is to exorcise the Roman Catholic from the pale of the state, with the other he tenders a petition against the monopoly of the East India Company. Down with monopoly in trade; but live the monopoly of power!

Sir, it would have been most edifying to hear that debate, in the corporation of Dublin, in which these two petitions were proposed and agreed upon. It would have been curious to behold the countenances of the orators, who, in one and the same sitting, advanced and enforced claims so opposite, in their fundamental principles, to each other. I am at a loss to conceive how they could travel, with a grave face, from their animating exordium in favour of general liberty, of equal rights to citizens of the same country, and subjects of the same king; from their dissertation on the injustice of exclusion and the odiousness of monopoly, to the bi-forked inference—therefore let us petition to be admitted into a free participation of the East India company's trade, and therefore let us petition for the continued exclusion of Catholics from the state. The two petitions which were the subject of this contemporaneous decision, must have been so mixed up in the minds of the orators, that they would insensibly be led to defend their policy, on the one, by the arguments of their antagonists on the other, and to strengthen their case against the Catholics with topics borrowed from the Court of Directors. "The Catholics (they would say) are already admitted, as far as they can safely be admitted, into the commerce and intercourse of the state. Admit them farther,—allow them to penetrate into the interior of the constitution,—and there is no saying what disturbances they will excite, what ravages they will perpetrate. The corporation of Dublin is a chartered company: and charters are serious things. We will not take our charter again, if Catholics are permitted to approach our hall: and then, where will you get another Dublin corporation? There are, indeed, some losing branches of trade, such as rates and taxes, which we will freely throw open to our Catholic brethren: but power and profit are our exclusive privileges; emolument must be sacred from the inroads of adventurers; and office is the very China of the constitution!"

Those, Sir, who object to any alteration at any time in the laws affecting the Roman Catholics, who contend that we ought to remain precisely at the point at which we have arrived, must, in consistency, call upon us to retrace our steps, and to revert to the original policy on which these laws were framed. The miserable remnant of the system, composed as it is of shreds

and patches wholly without order or relation to each other, can never satisfy those who really think effective coercion necessary; who admire, in the wisdom of our ancestors, that active intolerance and vigorous persecution, which kept down the Catholic by keeping down the man; which checked the course of bad politics, by stunting national prosperity, and prohibiting the growth of population. They must be aware how utterly inefficacious the present state of the laws is, compared with that from which it has degenerated; and however they may suppress the fond exclamation, they must, in secret, sigh for the return of those times, when the brand of Catholic disability was flagrant and unmitigated; to the infinite assurance and comfort of every friend of Protestant superiority. The time is come when these wishes may be breathed aloud. The House of Commons has admitted, in the face of the country, that the present state of the Catholic laws requires examination. This examination will probably tend to establish the opinion that they cannot continue as they are. But what then? May not the remedy be to go back rather than forward? And why, therefore, do the resisters of concession throw away the chance which a committee affords them of bringing their favourite system into action? Let them agree in the present motion to fulfil the pledge of the last House of Commons by going into a committee; and who knows but we may come out of that committee with a resolution, that the ancient laws against the Roman Catholics ought to be revived and enforced? It is true, indeed, that the resolution of the last session speaks of a "conciliatory" adjustment; but the enemies of concession may, perhaps, be able to shew, in the committee, that the course of conciliation is retrograde; and that pure and mutual contentment are only to be arrived at through final depression on the one part, and restored and continued ascendancy on the other.

It is one of the main arguments against those who are in favour of the committee, that they are not all agreed as to the plan to be proposed in it. Probably not. But if we are agreed only on one point,—the utter absurdity of the laws in question in their present state,—we are sufficiently agreed for this first step of going into a committee to consider of them. And among all those who agree that it is expedient to remove the disabilities, civil and military, under which the Catholics still labour, so far as they can be removed consistently with the most perfect and entire security to the Protestant succession and Protestant establishment, there is a sufficiently plain broad ground of concurrence.

It has been asked, will you, then, in the preamble to your Bill, re-enact the Bill of Rights, and the other fundamental statutes on which our Protestant establishment rests? Is that your boasted security? Sir, I do not understand the right hon. gentleman to whom this question is thus tauntingly addressed, to have said so. I understood him, in anticipation of the usual quotation from the Bill of Rights by another right hon. gentleman (Mr. Yorke) to say, that he had no objection to recite the Bill of Rights word for word from his Bill, in order to record his sense, and the sense of parliament, of the perpetuity of the Protestant establishment, if it were supposed that his measure could bring the Protestant establishment into question. Had he not declared himself ready to do this, would he not have been taunted for the omission, and would it not have been very probable that words to this very effect, of re-affirming the Bill of Rights, &c. would have been moved as an amendment?

The right hon. gentleman (Mr. Grattan) as I understand him, proposes to obtain a resolution of the committee of the whole House, authorizing him to bring in a Bill. In no other way (as you, Sir, I am confident, will state, if necessary) can a Bill on such a subject properly originate. In this Bill the right hon. gentleman will state precisely the further concessions which he conceives it just and politic to extend to the Catholics, and the securities with which he deems it necessary to accompany the grant. It will then be open for other gentlemen to suggest such alterations and amendments as they think right, either to perfect this great work in the sense of its author, or to add to, or limit, the original design. For my own part, I consider myself as technically pledged by my vote of this night no further than merely to the entering into a committee. But I can have no difficulty in declaring that I go into that committee prepared to agree to a recognition of the general principle which I have just stated, that it is expedient to remove Catholic disabilities so far as that can be done consistently

with Protestant security;—I should rather say, perhaps, for the correct expression of my own particular views, to remove them for the express purpose of making the whole fabric of our establishments more secure. But I do not consider myself as in any degree pledged to particular details.

After the general principle shall have been affirmed, there will, no doubt, be many shades of difference to reconcile, even among persons who approach the nearest to each other in opinion. The right hon. mover and myself, for instance, set out with a general concurrence as to the great object, but with some difference of views as to the means of its accomplishment; he, actuated (I may say so, without offence) by prejudices of the best and most honourable kind, prejudices arising from personal acquaintance and long established reciprocal regard, in favour of those whose cause he has so strenuously and so perseveringly pleaded; I am favourable (no man more so, not the right hon. gentleman himself) to the final settlement of this important question, but not feeling nor pretending to feel for the claims of the Catholics, with the partiality of a partisan. Anxious, indeed, I am, most sincerely anxious to admit them to the franchises of the constitution, to see them take their place among their fellow-subjects without distinction, without disfavour, but thus anxious, I fairly own, not for the sake of their peculiar interests, but for the benefit of the whole community. Such differences as these are not irreconcilable where there is a cordial agreement on the fundamental point. We may differ, we may by possibility even divide against each other on points of minor detail, upon an office more or less to be excepted, upon a condition more or less to be imposed; but such accidental difference, even if pushed to the extent of a division, would not affect our general fundamental concurrence in principle; and will not afford (let them be assured) any chance of triumph to those common adversaries of the question, who ground their expectation of success on the dissension of its advocates.

My hon. friend opposite to me (Mr. Bankes) has called upon me to state, at once and in particular detail, all my views and opinions, my limits of concession, and my notions of security, on the present stage of the proceeding. With all due deference to my hon. friend, I do not think that this is the time, nor, to speak fairly, do I think that he is the person to call upon me for such a disclosure. Had my hon. friend declared his own vote to be suspended until he should hear my plan, there might be some temptation held out to me to do what would be, in other respects, imprudent and ill-timed, for the chance of obtaining his individual but powerful support. But my hon. friend has already declared his vote to be perfectly decided; and has moreover given the House to understand that he is pretty well aware of the nature of my plans. On what possible ground then does he call upon me to state them prematurely? Is it to justify his vote against myself? I do not admit that the statement which he calls for would have that effect: but as I am sure, on the other hand, that it cannot have the effect of drawing his vote back, I shall, with his permission, choose my own time for that statement.

It would be presumptuous and indiscreet to go into such details at this stage of the business: presumptuous, because till the general principle is settled, it would be an unpardonable waste of the time of the House to obtrude my particular notions upon their attention: but indiscreet in the highest degree, after the experience which we have had in the case of the Veto, which was utterly lost by premature disclosure. I have very little doubt, that if that suggestion had been kept back until a resolution to make some concession to the Catholics had passed this House, and that the concessions, and the proposed security of the Veto, had then been offered simultaneously, the offer would have been thankfully accepted. By premature disclosure and angry discussion—angry, because unqualified by any hint or expectation of a conciliatory arrangement, the Veto was blown upon, and condemned before it was well understood: and is now become so unpopular that it would make concession itself unacceptable. Perhaps I do not regret this quite so much as the noble lord, (Castlereagh) and others seem to do, because the more I reflect upon the Veto, the less I am satisfied of its beneficial tendency; and the more I am inclined to apprehend that there would have been found to be great practical objections to it: objections not so much on the Catholic, as on the Protestant side of the question. But good or bad, it has been lost by premature discussion. And when my hon. friend calls upon me to throw

out, in the same manner, whatever plans I may have in my mind,—to be censured, by some as ineffectual, by others as oppressive; to be misconceived, in short, and misrepresented in all sorts of ways, until they are rendered wholly unpalatable, and, of consequence, wholly impracticable, he invites me to err, in the very teeth of recent experience; and instead of forwarding the work of conciliation, to open new sources of disunion, and give new hold to the enemies of the settlement at which we aim.

I am called upon to state the securities which I think necessary and sufficient. I answer—do you state the dangers you apprehend. This is surely the natural order of the argument. But, when I say this, do not let me be understood as retorting the taunt of our antagonists; as meaning to defy them to state any dangers; or as intending to insinuate, that I do not really think any thing in the shape of securities requisite. I do think securities for the Protestant establishments indispensible. I also think them not difficult to be devised. But, again I say when called upon to state their nature and limits, I cannot answer you satisfactorily, because I cannot answer you intelligibly, without previously ascertaining your ideas of the nature and extent of the dangers.

Is it the power of the Pope that frightens you? Is it that he is in the hands of Buonaparté?—Is it that the spiritual power of the Roman see is to be united with the military power of France against us; and that England will be not only blockaded, but excommunicated? What then? There is one small circumstance, which robs this threat of half its terrors;—it is this,—we are excommunicated already; and have been so for some time past—I believe ever since the reign of queen Elizabeth. And as to the secular arm, I am at a loss to conceive how Buonaparté can be more fully and determinedly against us than he is, or how he can extend or aggravate his hostility. Is it that the Pope, under Buonaparté's direction, will bestir himself with the Roman Catholic clergy of Ireland, and will influence them against this country: In God's name, are they not equally exposed to such influence, as things now stand? and is not their influence over their flocks more formidable, in proportion to the prevalence of discontent and dissatisfaction among them?

From external we come to internal dangers. Would you admit Roman Catholics into power to so unlimited a degree, as to suffer them to regulate the concerns of Protestants even in ecclesiastical matters? There is no difficulty that I see in answering this question distinctly. The answer is, "Certainly not." A clear and positive qualification to this effect, is precisely one of those which I should myself propose to introduce into the Bill, if I did not (which, however, I dare say I shall) find it there. All ecclesiastical offices, all offices connected with the ecclesiastical courts must be excepted from those which are thrown open by the Bill. Would you give a Catholic the custody of the great seal, and thereby make him keeper of the Protestant king's conscience? Again, speaking for myself, my own opinion, I answer "No." This would be another of the exemptions which I should certainly propose in the Bill. I should except also the lord lieutenancy of Ireland. I should except, perhaps, the office of commander in chief. I have no difficulty in stating these opinions now. I shall be perfectly ready to discuss them when the occasion comes.

Then says my hon. friend (Mr. Bankes), and he thinks he has me in a dilemma, "What will you do with the Test Act?" If I answer "Nothing:" then, I suppose he anticipates exclamations against my inconsistency: If I say, "Repeal it"—then what alarm for the church? But I am not daunted by either of these opposite difficulties. I answer distinctly thus:—The temper and practice of the British constitution is to redress practical grievance, but not to run after theoretical perfection. It loves to set the subjects of the realm at ease in point of conscience, and it abhors practical oppression; but it cares little whether the theory of every part of its system squares exactly with that of every other part. Now, if a motion were made to-morrow, for the repeal of the Test Act, my first inquiry would be, "Is there any practical grievance resulting from its existence?"—my second, "Is there any considerable or certain evil to be apprehended from making the change?" And if the answer to the first of these questions should be in the negative, and to the second in the affirmative, I should not then be tempted to incur the certain hazard, for the sake—not of doing a good, but of curing an unsightliness or an anomaly. Prove to me that neither the Roman Catholic nor the state suffer any detriment from the laws now in being; and it is not their

mere harsh sound, or their mere deformity in the page of our statute book, that should induce me to urge their repeal, against the feelings of many worthy and excellent men. Prove to me that the dissenters do practically suffer great inconvenience and injustice, and it is not the mere name of the Test Act, that should stand in the way of their relief. But I would not wantonly offend even the prejudices of the church; nor would I risk the great practical good which I think I may obtain, for the sake of doing every thing upon system. Limitation, exception, qualification, compromise, are not peculiar to this business; they enter into all the business of human life, they controul and modify all human transactions. To do the greatest possible good with the least possible harm is, after all our endeavours, the nearest approach that we can hope to make towards perfection. Let us, therefore, go into the committee, with a sincere disposition to do all in our power to conciliate our Catholic fellow-subjects, without sacrificing to their interest, the interests of other portions of the community; with a view not to partial kindness, but to public good. It would be, indeed, quite visionary to expect, that we should meet with no obstruction in our progress, from feelings in various quarters which cannot, perhaps be entirely satisfied, from conflicting opinions which can neither be wholly admitted nor wholly set aside. We must do the best we can; and I have little fear of any serious impediment from differences upon detail, provided the vote of this night shall establish the general principle of the measure.

You dread foreign influence, arising from the correspondence with the see of Rome. A grave, a real source of just solicitude. But first I ask, "does this correspondence exist now?" If it does, then there is no justice in bringing it as an argument arising from any thing now proposed to be done. On the contrary, that correspondence between the head of the Roman Catholic church and the Catholic clergy does now go on, has gone on for years, and you, the opposers of this measure, do not pretend to suggest any means of controuling it. What, if I should propose, in this Bill, to place it under proper controul; would not such an arrangement strengthen instead of repairing the security of the constitution? Would it not be safer to have that intercourse carried on avowedly, but under inspection and superintendence, which is now carried on—illegally to be sure—but in fact carried on, in secret; unacknowledged indeed, but uncontrouled?

I repeat it, I do not affect to think lightly of the importance, of providing against those dangers which might be apprehended as likely or possible to arise out of a grant of new privileges to the Catholics. I respect the honest prejudices of the Protestant mind; but gentlemen must not set down to the account of the measure now in agitation, not only the dangers which they apprehend in prospect, but those which actually exist at the present moment. Far from wishing to check, or to circumscribe the examination of these stated dangers, I am anxious to explore them thoroughly; I am anxious to carry the torch of discussion into all the remotest chambers of this haunted edifice, and to pursue into its inmost recesses these phantoms of peril, till they disperse and vanish before the light.

The right hon. and learned gentleman (Mr. Plunket), to whose speech I have before alluded with the praise which it deserves, suggested a notion of passing the Bill, provisionally, or rather conditionally; of enacting that the provisions of the Bill shall take effect only on the happening of certain contingencies. I cannot say that there is no case to which I might think that proceeding properly applicable. I should certainly much prefer it to the suggestion of the noble lord Castlereagh, of deferring to legislate at all, until communication should have been previously had with the Pope, and something on the principle of a Concordat established between his holiness and this government. To that plan—to the plan of consulting the Pope at all,—of negotiating with him, with a foreign power, on behalf of a portion of the subjects of this crown, I object decidedly. Great mischiefs too, I think, would arise from now forbearing to reduce our projects (be they what they may) into the shape of a Bill. Hope on the one side, and fear on the other side, will be busy in exaggeration during the period of uncertainty. I am therefore desirous that the measure should be as early as possible before the country, in a definite shape; that they may have something capable of being seen, felt, touched and handled. If the Bill cannot (for any reason) pass into a law this year, then I think that something between the propositions of the right hon. and learned gentleman (Mr. Plunket), and of the noble lord (Castlereagh), would per-

haps be desirable. The Bill prepared and brought in by the right hon. mover might, after the second reading, be filled up, *pro forma*, in a committee, and then be permitted to lie over till another session. But of these points it is hardly possible to judge, till we shall have made some progress in the work, to which we are now (I hope) approaching. Come what will, I am convinced that we shall never have occasion to regret any step which we may take in fulfilment of the promise of the last House of Commons, so much as we should the rejection of a measure, on which the attention and anxiety of the public have been suspended for so many years; which there is now no impediment to our entertaining, and which our predecessors in this House solemnly pledged themselves to entertain.

Sir, the name of Mr. Pitt having been introduced by an hon. gentleman (Mr. Tomline), who spoke early in this debate, and who is in every way entitled to the courtesy of this House, I cannot pass it over in silence. The hon. gentleman, a young member of parliament, commenced his first address to us in a manner rather extraordinary, by stating, that he rose to set the House right, in regard to a fact;—a fact certainly not within his own memory or knowledge, and upon which, therefore, he could only set us right, either by adducing some other authority in support of his version of it, or by reasoning. He quoted no other authority; and his reasoning was this,—that, as Mr. Pitt had not latterly thought it right to bring forward the Catholic question, he therefore must have changed his opinion upon it. Now this argument might possibly have weight some centuries hence, provided no records or recollection remained of any of the circumstances of Mr. Pitt's last administration; but at present, while there are so many even in this House who had the opportunity of hearing that great statesman declare his own reasons for the abstinence which he undoubtedly practised in respect to the Catholic question, the conclusion of the hon. gentleman can hardly be expected to meet with an implicit acquiescence. On the 14th of May 1805, Mr. Pitt delivered, in this House, his then opinions and wishes on the subject of the admission of the Roman Catholic to the franchises of the constitution. I have once before had occasion to quote them in this House, when his authority was once before quoted against his opinion. The record is, according to the best of my recollection, pretty faithful. I am sure the substance is correct.

"I thought (said Mr. Pitt) that such concessions to his Majesty's Roman Catholic subjects might have been granted, by an united parliament, under such guards and securities for our civil and ecclesiastical constitution, as would entirely remove the danger which many apprehend might arise from so great a departure from the policy of former times; as would render the boon safe to the country, effectual to those who received, innocent to those by whom it was conferred, and conducive to the strength, unanimity and prosperity of the empire. Such were my sentiments formerly; such are they now; if, from a concurrence of circumstances it were expedient now to grant those concessions; and if by a wish I could carry such a measure into effect, I am ready to confess that I see no rational objection to it."

These words, these memorable words, are not to be effaced from the minds and the hearts of those who heard them by any reasoning; nor will it be pretended I think, that between the day on which these words were uttered, the 14th of May 1805, and the day of Mr. Pitt's lamented death, any thing had happened which could work so fundamental a change in his opinion as the hon. member assumed to have taken place in it between his first and second administration. But if such were at the period to which I have referred, if such continued to the very end of his life Mr. Pitt's opinions upon this great subject, he was (says the hon. gentleman) wholly unprovided with any means of carrying those opinions into effect. He had no plan. Here again the hon. gentleman speaks not from authority, but argumentatively; and his argument deserves particular notice for its ingenuity. Mr. Pitt it seems had no plan,—for Mr. Pitt did not communicate his plan to lord Eldon. The syllogism runs thus—Every plan for settling the Catholic question must be communicated to the Lord Chancellor; Mr. Pitt did not communicate any such plan to the Lord Chancellor; *Ergo*, Mr. Pitt had no such plan. I will admit the minor proposition if the hon. gentleman pleases; but *negatur major*. I will allow that Mr. Pitt made no such communication to lord Eldon, the avowed enemy of Mr. Pitt's known views of this

question; but I utterly deny that it was incumbent on Mr. Pitt to make any such communication; or that his not making it warrants the hon. gent.'s conclusion.

In truth, Sir, every man who hears me knows—it is notorious to all the world,—what was the impediment to Mr. Pitt's pursuing his own views of this question. Whether he did right in yielding to that impediment or not, is a point which has been over and over again discussed in this House, and which I will not weary the House with re-debating at present. I think he was right in that forbearance. I have acted myself on the same principle of forbearance since his death. But the impediment is in force no longer; and I have in my own mind the most perfect conviction not only that Mr. Pitt never changed his opinion upon the subject, fundamentally, that he considered that opinion as suspended, not abandoned; and that had he been now happily alive, he would now have been pursuing the course which I think it my duty to pursue on this occasion. This, I say, is my own conviction. I do not pretend to state it as my knowledge. I ask no deference to any presumed authority of mine on this point. I stand on Mr. Pitt's recorded words, compared with his known conduct; known to all who either were contemporary with him in this House, or who have traced the history of his public and parliamentary life.

I have now, Sir, little further with which to detain the House. In voting for the committee, with a view to the calm, deliberate, and dispassionate consideration of this great question, I fulfil not only my own sense of public duty, but I verily believe the wishes of a majority of the community, even as expressed in the petitions upon your table. Of those petitions many pray that the emancipation (as it is improperly called) of the Catholics, may not be unconditional. I agree with those petitioners. Some pray for the interference of the legislature for the final settlement of the dispute. I would grant the prayer of those petitioners also. Even to those whose petitions are drawn up in hostility to the grant of fresh concessions, I say, "we must go into a committee even to execute your purpose fully and satisfactorily. It cannot be believed that any thing short of a deliberate decision after full discussion will settle a question so long in dispute."

But beside the numerous petitioners who have interfered with their prayers or their advice, consider how much larger a body of the people have not interfered at all! What must their sense of the matter be supposed to be? Obviously, that they rest satisfied with the last determination of the House of Commons. And what was that last determination? It is recorded in the resolution of June 1812. The whole church of Scotland have been quiescent on the subject, with the exception of the presbytery of Glasgow, which, after discussing the propriety of petitioning on the subject, decided not to do so. Thus, in that country, where, a century ago, king William was obliged to take an oath to extirpate the Roman Catholics, not a voice is now to be heard in hostility to their being admitted to a just participation of the constitution.

I vote therefore for going into the committee, in compliance with the prayers of the petitioners, who almost generally concur in praying for some final decision; in deference to the wishes of those whose very silence implies their expectation, their contented expectation, that we should now proceed to the consideration of this question in the manner and with the view prescribed and recorded by the last House of Commons; but neither should I be satisfied to give this vote in conformity to the inclinations of however large a majority of the people, if I were not conscientiously convinced, at the same time, that by doing so I best consult the real and permanent interests of the British empire.

After Mr. Canning had sat down, a very great uproar arose, and cries of "Question, question," resounded from every corner of the House. Mr. Bathurst remained on his legs for some time, and all his endeavours to obtain a hearing were ineffectual. A motion for adjournment was made by Mr. Ryder and seconded: but on the remonstrance of Mr. Ponsonby the motion was withdrawn, and order being restored:

Mr. *Bathurst* proceeded. He reminded the House of the manner in which this question was carried in the last year;—that it was done in the confident expectation, in which he certainly had not concurred, that such an arrangement might have been made with the Catholic body, as would have enabled the promoters of the measure to bring forward in this session, a well-digested plan, mutually satis-

factory, of concession, guarded by securities. The proposed Bill, which had been opened by the right hon. gentleman, contained a sweeping repeal of all restrictions; but not a word was said of the securities which were to be substituted; yet it had been admitted, by a right hon. member, (Mr. Plunket) who had eloquently supported the motion, that some regulations were necessary; particularly with respect to the interference of the Pope, in the appointment of bishops. He would ask, what probability there was that any regulations would be submitted to by the Catholics? An hon. general (Mathew) who he believed was as likely to know the sentiments of the Catholics, had ridiculed the idea, and had claimed for them, on the ground of right, a full admission to all the offices of the state. He complained, that there was a great misconception as to the mode in which this question was brought forward. It was certainly true, that such a question, affecting the national religion, must be considered in a committee; but he appealed to the practice of the House on former occasions, particularly when the relief from certain penal statutes was first granted to the Catholics, to shew that the petition for leave to bring in the Bill was first made, and then that motion was referred to a committee, in which the nature and object of that Bill were fully discussed and examined. Whereas, by the present mode, the House was led on in the dark to give its countenance to measures, which, if explained in detail, it would never have sanctioned. He adverted to the manner in which the interference of the clergy had been treated, and contended there was no body of men whose opinions would so naturally be expected, or to which greater deference should be paid.

Mr. *Grattan* made a very brief reply. He said, that in all the speeches which had been made against his motion, the speakers had entered into a detail which was not sanctioned by the nature of the motion. The reason of which was, that they wished to go into the consideration of minute articles, in order to avoid the principle which they could not justly oppose. He had spoken with respect of the petitions, and therefore it was ridiculous to say that he had done otherwise. One argument was, that the oath which excluded Roman Catholics from parliament was a part of the Bill of Rights; and, of course, that when they should be admitted, part of that Bill would be repealed. In answer to this, he said, that the oath alluded to was provisional, and not fundamental; and to prove this he quoted the authority of parliament in the time of queen Anne.

The House divided at four o'clock on Wednesday morning.

For Mr. Grattan's Motion	264
Against it	224
Majority	—40

List of the Majority.

Abercromby, hon. G.
Abercromby, hon. J.
Abercromby, Rt.
Acland, sir T. D.
Althorp, viscount
Austruther, sir J.
Arbuthnot, rt. hon. C.
Astley, sir J.
Atherley, A.
Aubrey, sir J.
Babington, T.
Bagwell, rt. hon. W.
Barham, J. F.
Baring, A.
Barnard, lord
Bennet, hon. H. G.
Birch, Jos.
Blachford, B. P.
Bowyer, sir G.
Bradshaw, hon. A. C.
Brand, hon. T.
Bective, earl
Brooke, lord
Brooke, C.
Browne, rt. hon. D.
Burrell, hon. P. R. D.
Buller, sir E.
Buller, A.
Buller, C.
Burdett, sir F.
Benson, R.
Best, W. D.
Blundell, col.
Broadhead, H. T.
Bruen, H.
Canning, rt. hon. G.
Canning, G.
Calvert, N.
Calvert, C.
Carew, R. S.
Colthurst, sir N.
Coote, sir E.
Courtenay, W.
Courtenay, T. P.
Calcraft, J.
Campbell, lord J.
Castlereagh, visc.
Cavendish, lord G.
Cavendish, H.
Chaloner, R.
Cocks, hon. J. S.
Coke, T. W.
Colle, E.
Combe, H. C.
Cowper, hon. E. S.
Creevey, T.
Croker, J. W.
Daly, rt. hon. D. B.
Dillon, hon. H. A.
Dundas, C.
Dundas, hon. L.
Duncannon, visc.
Doveton, G.
Douglas, hon. F. S. N.
Desart, earl of
Douglas, W.
Douglas, W. R. K.
Dunlop, gen.
Evelyn, L.
Elliot, rt. hon. W.
Ellis, C. R.
Ebrington, visc.
Ellison, C.
Fellowes, hon. N.
Ferguson, R. C.
Fitzgerald, Ll. H.
Fitzgerald, rt. hon. M.
Fitzgerald, rt. hon. W.
Fitzgerald, A.
Flood, sir F.
Fitzroy, lord C.
Fitzroy, lord J.
Foley, T.
Folkes, sir M. B.
Forbes, viscount
Fawcett, H.
Foster, F. J. H.
Foster, A.
Frankland, W.
Fremantle, W. H.
French, A.
Findlay, K.
Gaskell, B.
Gordon, R.
Gower, earl
Gower, lord G. L.
Grant, J. P.
Grant, C. jun.
Grattan, rt. hon. H.
Greenhill, R.
Grenfell, P.
Grosvenor, gen.
Graham, S
Guise, sir W. B.
Hanbury, W.
Hammersley, H.
Hippesley, sir J. C.
Harvey, G.

Heathcote, sir G.
Hornby, E.
Horne, W.
Halsey, Jos.
Hamilton, lord A.
Hamilton, sir H.
Hamilton, Hans
Harcourt, J.
Holmes, R. F. W.
Hart, gen G. V.
Hawthorne, C. S.
Herbert, H. A.
Heron, sir R.
Holford, G. P.
Honyman, R. B.
Huskisson, W.
Hobhouse, sir B.
Howard, hon. W.
Howarth, H.
Hughes, W. L.
Hurst, R.
Jenkinson, C.
Jolliffe, H.
Kemp, J. J.
Kensington, lord
Kibblewhite, J.
Knox, J.
Lambton, R. J.
Langton, W. G.
Latouche, D.
Latouche, R.
Leach, J.
Leader, W.
Lemon, sir W.
Lemon, J.
Lester, B. L.
Lewis, T. F.
Littleton, E. J.
Lloyd, J. M.
Lloyd, sir E. P.
Lloyd, Hardress
Lockhart, W. E.
Louvaine, lord
Law, hon. E.
Lubbock, J. W.
Lyttleton, hon. W.
Mackenzie, hon. W. F.
Macdonald, James
Macdonald, R. G.
Madocks, W. A.
Mahon, hon. S.
Majoribanks, J. C.
Markham, adm.
Marryat, Jos.
Marsh, C.
Martin, J.
Mathew, hon. M.
Maule, hon. W. R.
Meade, hon. J.
Meyler, R.
Molineux, H. H.
Mildmay, sir H. S.
Mills, C.
Milton, viscount
Melgund, viscount
Monck, sir C. M. L.
Montgomery, sir H. C.
Moore, P.
Morland, L. B.
Morpeth, viscount
Mostyn, sir T.
Neville, hon. R.
Newport, rt. hon. sir J.
North, D.
Nugent, lord
O'Brien, sir E.
Odell, W.
Ogle, H. M.
Ord, W.
Osbaldeston, G.
Osborne, lord F. G.
Ossulston, lord
Owen, sir J.
Paget, hon. R.
Palmerston, visc.
Parnell, sir H.
Peirse, H.
Pelham, hon. G. A.
Phillips, G.
Phipps, hon. F.
Piggott, sir A.
Prendergast, M. G.
Plunket, rt. hon. W. C.
Prittie, hon. F.
Pole, rt. hon. W. W.
Ponsonby, rt. hon. G.
Ponsonby, hon. F.
Portman, E. B.
Power, R.
Poyntz, W. S.
Preston, R.
Price, R.
Pringle, general
Ramsden, J. C.
Rashleigh, W.
Rancliffe, lord
Robinson, rt. hon. F. J.
Robinson, G. A.
Rowley, sir W.
Russell, lord W.
Russell, lord G.
Russell, M.
Saville, A.
Scudamore, R. P.
Shaw, R.
Shipley, W.
Shaw, B.
Sheldon, R.
Simson, G.
Smith, J.
Smith, G.
Smith, J.
Smith, A.
Smith, W.
Smith, R.
Smyth, J. H.
Speirs, A.
Somerville, sir M.
Stanley, lord
Stewart, hon. C.
Symonds, T. P.
Talbot, R. W.
Tavistock, marq.
Taylor, C. W.
Thomson, T.
Thornton, H.
Taylor, M. A.
Tighe, W.
Vanderheyden, D.
Vernon, G. G. V.
Walpole, hon. G.
Ward, hon. J. W.
Warre, J. A.
Warrender, sir G.
Western, C. C.
Wharton, J.
Whitbread, S.
Wilberforce, W.
Wilkins, W.
Wilson, T.
Winnington, sir T. P.
White, M.
Wise, A.
Wood, T.
Wortley, J. A. Stuart
Wrottesley, H.
Wynn, sir W. W.
Wynn, C. W. W.

Paired off.

Browne, A.
Campbell, G.
Fitzpatrick, rt. hon. R.
Graves, lord
Hussey, T.
Martyn, H.
Miller, sir T.
Pyne, F.
Shakespeare, A.
Townshend, lord J.
Tierney, rt. hon. G.
Wellesley, R.

The following Gentlemen, favourable to the Claims of the Catholics, were kept away by illness in their families, or some accidental cause.

Baring, sir T.
Bewicke, C.
Butler, hon. J.
Crosbie, J.
Daly, J.
Dawson, R. T.
Folkestone, visc.
Fazakerley, J. N.
Holmes, sir L. T. W.
Jekyll, Jos.
Johnes, T.
Latouche, J.
Pelham, hon. C. A.
Plumer, W.
Quin, hon. W.
Romilly, sir S.
Ridley, M. W.
Sebright, sir J.
Simpson, hon. J. B.
Vane, hon. W. J.
Wellesley Long, W.
Wilder, F. J.
Williams, O.

List of the Minority.

A'Court, W.
Addington, rt. h. J. H.
Alexander, James
Allan, col.
Andrews, M. P.
Apsley, lord
Archdall, M.
Atkins, J.
Baker, J.
Baker, P. W.
Barry, rt. hon. J.
Bastard, E. P.
Bathurst, rt. h. C. B.
Bathurst, hon. W. L.
Beach, M. H.
Beach, W. H.
Beaumont, T. R.
Beresford, lord G.
Bernard, viscount
Bernard, hon. R. B.
Blackburn, J.
Blackburn, J. J.
Bootle, E. W.
Blomfield, col. B.
Boughey, sir J. F.
Bouverie, C. H.
Brodrick, hon. W.
Brownlow, W.
Bruce, J.
Brydges, sir S. E.
Buller, James.
Burrell, sir C. M.
Burrell, W.
Butterworth, Jos.
Calvert, J.
Campbell, general
Carew, rt. hon. R. P.
Cartwright, W. R.
Cawthorne, J. F.
Chaplin, Ch.
Chute, W.
Clements, col. H. J.
Clerke, sir G.
Clinton, major-gen.
Clive, viscount
Clive, H.
Clive, W.
Colley, T.
Collins, H. P.
Compton, earl
Congreve, gen. sir W.
Cooper, E. S.

Cottrell, sir J. G.
Crickett, R. A.
Curtis, sir W.
Davenport, D.
Davis, R. H.
Davis, H.
Dawkins, J.
Denys, G. W.
Disbrowe, E.
Dowdeswell, J. E.
Drake, W. T.
Drake, T. T.
Drummond, G. H.
Drummond, J.
Dugdale, S. D.
Duigenan, rt. h. Dr. P.
Duckworth, sir J. T.
Egerton, J.
Egerton, W.
Eliot, hon. W.
Estcourt, T. G.
Faulkner, F.
Fane, J.
Farquhar, James
Fetherston, sir T.
Fellows, W. H.
Ferguson, James
Finch, hon. E.
Fitzhugh, W.
Foley, hon. A.
Forester, C. W.
Foulkes, E.
Garrow, sir W.
Gascoygne, J.
Geary, sir W.
Gell, P.
Giddy, D.
Gipps, G.
Gooch, T. S.
Goulburn, H.
Graham, sir James
Grant, A. C.
Gunning, G. W.
Hall, B.
Heathcote, T. F.
Henniker, lord
Hill, rt. hon. sir G. F.
Holmes, W.
Hood, S.
Howard, hon. col.
Houblon, J. A.
Innis, H.
Jocelyn, viscount
Keane, sir J.
Keck, G. A. L.
Kemp, T. R.
Kenrick, W.
King, sir J. D.
Kingston, J.
Knatchbull, sir E.
Lacon, E. K.
Lamb, T. P.
Leigh, J. H.
Leigh, R. H.
Leslie, C. P.
Lockhart, J. I.
Loftus, W.
Long, rt. hon. C.
Long, R. G.
Longfield, col. M.
Lopes, sir M. M.
Lowndes, W.
Lowther, viscount
Lowther, hon. H. C.
Lowther, J.
Lowther, James
Lushington, S. R.
Luttrell, J. F. jun.
Lygon, hon. W. B.
Maginiss, R.
Maitland, T.
Manners, R.
Manning, W.
Mac Naughten, E. A.
Mellish, W.
Methuen, P.
Mitford, W.
Moore, lord H.
Moorsom, R.
Morgan, sir C.
Morris, R.
Muncaster, lord
Mundy, E. M.
Newark, viscount
Nicholl, rt. hon. sir J.
O'Hara, C.
O'Neill, hon. J. R. B.
Osborne, J.
Patten, P.
Peel, rt. hon. R.
Pitt, W. M.
Pitt, Jos.
Plomer, sir T.
Pole, sir C. M.
Porter, gen. G.
Powell, J. K.
Protheroe, E.
Robinson, gen.
Richardson, W.
Rochfort, G.
Rose, rt. hon. G.
Round, J.
Ryder, rt. hon. R.
Scott, rt. hon. sir W.
Seymour, lord R.
Shaw, sir James
Shelly, Tim.
Shiffner, G.
Simeon, J.
Simpson, G.
Singleton, M.
Smith, Christ.
Smith, T. A.
Sneyd, N.
Somerset, lord A.
Somerset, lord C.
St. Paul, H. H.
St. Paul, H. D. C.
Stewart, sir James
Stewart, sir J.
Stirling, sir W.
Strahan, A.
Strutt, col. Jos.
Sullivan, rt. hon. J.
Sumner, G. H.
Sutton, sir Thos.
Sutton, rt. hon. C. M.
Sykes, sir M. M.
Saxton, sir C.
Shaw, B.
Teed, J.
Tempest, sir H. V.
Thompson, sir T.
Thornton, R.
Thornton, W.
Thynne, lord J.
Tomline, W. E.
Tremayne, J. H.
Vansittart, rt. hon. N.
Vaughan, sir R. W.
Vereker, col. C.
Vyse, W. H. H.
Webster, sir G.
Welby, W. E.
Wemyss, gen. W.
Wetherall, C.
Wharton, R.
Whitmore, T.
Wigram, R.
Williams, sir R.
Willoughby, H.
Wood, sir M.
Wright, J. A.
Wyatt, C.
Wyndham, T.
Yarmouth, earl of
Yorke, rt. hon. C.
Yorke, sir Jos.

TELLERS.

Bankes, H.
Lascelles, hon. H.

PAIRED OFF.

Peel, sir Rob.
Rose, G. H.

HOUSE OF COMMONS.

Wednesday, March 3.

The Princess of Wales.] Mr. *Whitbread*, as he saw an hon. gentleman in his place, who had given notice of a motion for to-morrow, wished to ask him whether, under the circumstance that happened since his notice, of the Letter addressed by her royal highness the Princess of Wales, to the House of Commons, he still persisted in his intention of bringing forward the motion?

Mr. *Cochrane Johnstone* replied, that he saw nothing, in what had occurred, to alter his view of the subject. It was his firm intention, therefore, to bring forward his motion to-morrow.

Mr. Vansittart's New Plan of Finance.] The Chancellor of the Exchequer moved the order of the day for the House to resolve itself into a Committee of the whole House, to consider of the Finances of Great Britain; and that the several Accounts of the National Debt and of the produce of the Consolidated Fund and War Taxes, be referred to the said Committee. The House having resolved itself into a Committee, Mr. Hawthorne in the chair,

The *Chancellor of the Exchequer* addressed him to the following effect:

Mr. Hawthorne; after the long and laborious attention which for several nights past the House has bestowed on a subject of the greatest importance, I should be unwilling to bring under its consideration any question likely to lead to a considerable length of discussion; but whatever

differences of opinion may hereafter arise upon the important subject to which I wish to direct its attention, I flatter myself that the course of proceeding which it is my intention to suggest, will meet with general concurrence. It is not my intention this evening to call for the decision of the Committee upon any question which I may propose, but having explained my general view of the subject as clearly as I may be able, to recommend that the further discussion should be adjourned to a future day, when the House may come to a decision with further information and more mature judgment. On another point I equally anticipate the general approbation of the Committee, namely, in bringing under consideration the intended measures of Finance, before any of the pecuniary arrangements of the year are concluded, in order that all parties who may enter into any agreements with the government may form their bargains with a full knowledge of all the circumstances of the case, and that the scrupulous good faith and plain dealing in pecuniary transactions which has been so long the honour of this country may be strictly observed.

Towards the close of the last session of parliament, a discussion took place upon the national finances, in which it appeared to be the general sentiment that some new measures were necessary, and in which I took the liberty to suggest several for the consideration of those gentlemen who were present. They were principally designed to support public credit, and relieve that depression which then appeared to weigh down our financial exertions; but since that time a great change has taken place. Six months have elapsed, the most eventful and extraordinary which the history of Europe has, perhaps, ever recorded; and which have placed our public credit and our national security on a basis of solidity which it might then have been deemed presumptuous to have contemplated. At that time, the issue of the important contest which was opening in the north of Europe was, to say the least, hazardous and doubtful. A general impression, indeed, rather prevailed, that either by arms or negociation, France would prevail against Russia, and would achieve what still was wanting for the subjugation of the continent of Europe. It is impossible to contemplate the events which followed without a mixture of admiration and horror; of admiration for the heroic virtues which have been displayed, and of horror for the extent of human misery which has been endured; in which I can by no means forget the miserable, though merited, and necessary destruction of so many myriads of the invading army. But from this struggle between insatiable, unprincipled, and remorseless ambition on the one side, and hardy, stubborn, though untutored, patriotism on the other, which has spread devastation over the extensive regions of the north, have followed consequences the most important, and hopes the most satisfactory to the cause of suffering humanity.

It may be recollected that at the time to which I am alluding, though our discussion in a great degree turned upon the means of supporting Public Credit, and I pointed out some of those measures which, in case of extreme emergency, might be resorted to, and in which I expressed my confidence that the spirit and firmness of the nation would, in such a case, readily acquiesce; yet I stated my opinion, that there existed no immediate necessity for their adoption, and undoubtedly the necessity of resorting to measures of great severity is much lessened by the events which have since occurred. The measures which I then particularly pointed out, as likely to be proposed in the present session, were the adoption of some more efficacious plan for the Redemption of the Land Tax, and the provision of an increased proportion of Sinking Fund for so much of the loan of each year as might exceed the sum applicable to the redemption of the debt. To both these measures I now wish to call the attention of the Committee.

Early in the summer the Redemption of the Land Tax was referred to the consideration of two noblemen, to whose labours on this important subject the public have already been greatly indebted; I mean the Lords Commissioners for the Redemption of Ecclesiastical Land Tax, lord Auckland and lord Glenbervie. These noblemen, whose diligence and ability cannot be too highly praised, have made a Report on the subject to the Treasury, which, by order of the House, has been laid upon its table, and referred to this Committee. Among many just remarks contained in that Report, on which it is intended to found a Bill, which I shall shortly have the honour to submit to the House, there is one leading principle on which I chiefly depend for success; that

of simplifying the mode of the Redemption of the Land Tax, and freeing it from tedious and troublesome formalities. It is proposed that upon a simple notice to the collector of the Land Tax, the form of which will be printed and distributed at the time of the collection, any person desirous of redeeming the charge upon him, by a temporary increase of the amount of his assessment, shall be entitled, after the payment for a certain number of years of an assessment, double or treble, at his option, of that which he now pays, to be finally and totally discharged from the Land Tax, as if he had contracted for, and redeemed it in the usual manner. By these means all formalities will be avoided, all journies and trouble will be spared, and the party paying at his own home to the collector, whose periodical visits he expects, will find himself relieved from the charge now borne by him, by a succession of payments so moderate as at no time to be felt as a burden. I cannot but look forward with considerable expectation of success to the execution of a plan so simple, and apparently so inviting.

The second measure, which appeared when I mentioned it last year to be received with general approbation, is that of an increased Sinking Fund on that part of the loan of every year which exceeds the amount of the Sinking Fund already existing at that time. The proportion which I mean to recommend is one half of the interest of such excess of the loan beyond the Sinking Fund. I prefer a proportion of interest, to one founded on the capital stock created, because it adapts itself more fairly to the different funds in which the loan may be raised, and corresponds more accurately with the sum of money actually borrowed.

I wish also to submit to the Committee a measure which on former occasions I have recommended to the House, that of providing by an annual grant to the Commissioners for the reduction of the National Debt, some counterbalance to the great increase of the unfunded debt in Exchequer Bills. I wish to see the principle of the Act of 1792, that at the creation of every debt, means should be provided for its ultimate redemption, applied not only to the funded debt, but to so much of the unfunded as partakes of a permanent nature. Considerable sums have at various times been raised, and some of them as early as the year 1795, upon Exchequer Bills which have been renewed from year to year, and may now be considered as a permanent addition to the public debt, although no provision has yet been made for their redemption. I should therefore propose that an annual grant of one-per-cent. should be made on the amount of all unprovided Exchequer Bills outstanding on the 5th of January in each year. The amount will of course vary in proportion as Exchequer Bills may be funded or discharged, and therefore this part of the sum destined for the redemption of debt, will be more conveniently provided by a grant upon the annual supplies, than by any permanent appropriation. Its effect however will be the same, and it will in future become nearly indifferent with respect to the redemption of debt, whether any sum which may be raised for the public service shall be immediately funded, or remain for a considerable length of time in the shape of Exchequer Bills annually renewed.

In addition to the measures which I have on other occasions suggested to the House, it is now my intention to propose to their consideration one which more immediately belongs to the extensive system with which I wish to combine these separate measures. That system, the outlines of which I shall presently have occasion to state, will involve the repeal of so much of the Sinking Fund Act of 1802, as directs that the whole Sinking Fund then existing shall continue to accumulate at compound interest till the total redemption of the whole funded debt then remaining unredeemed. It will appear to the Committee a natural and equitable consequence of this repeal that the sum of about 870,000*l.* which would in that year have been appropriated to the Sinking Fund, if the Act in question had not passed, should now be granted to it. This will place the public creditor in the same situation in which he would have stood, if a different provision from the customary mode of redemption had not been adopted in that year, and will enable the public to make a different arrangement more suited to the circumstances of the present time, with due regard not only to the legal claims, but to the fair expectations of the stockholder.

This brings me naturally to the principal object to which I wish to direct the attention of the Committee this day. In what I have already stated I may appear to have had the support of public credit, and the interest of the stockholder principally, if not exclusively, in view; but be-

fore I conclude, I hope to satisfy the Committee that the other classes of our fellow-subjects have had at least an equal share in my attention. I must beg leave to preface my explanation of the system I am about to recommend by a few general remarks on the redemption of public debt. We are apt to consider this subject, (if I may so express myself), too arithmetically; we compute that a certain annual sum will at compound interest redeem a given amount of debt, within a certain number of years, but we forget the great considerations of policy and public economy which this operation involves. We do not consider that it disposes of the fortunes of thousands of individuals; that it requires the transfer of a mass of property, amounting perhaps to a fifth part of the whole capital of the country, if estimated according to the returns to the Property Tax, from an employment in which it has been vested by the proprietors, to the manifest advantage of the public, into other modes of occupation. It is an experiment which, as far as my knowledge extends, has never been tried on a great scale. The present elector of Saxony, it is true, discharged the debt which his predecessors had accumulated upon that country; but neither the amount of the sum, nor the circumstances of the electorate of Saxony can form any precedent for this wealthy and powerful kingdom. While war continues and loans are annually contracted exceeding the amount of the Sinking Fund, that amount, however great, can only be considered as an advantage; but whenever peace may take place, it will soon be found that there is a point beyond which the annual redemption of debt cannot be carried, without great public inconvenience. This is no new argument in the House: my noble friend the marquis of Lansdowne urged it with great force and eloquence in opening his Plan of Finance in 1807. He observed that the mischief of an excessive Sinking Fund overloading the money market with a super-abundance of capital, exceeding the means of employment, would be not inferior and somewhat similar to that of a national bankruptcy. Whenever therefore the Sinking Fund has reached that point beyond which it cannot be employed with advantage in time of peace, it seems to be wise to think of setting bounds to its further accumulation, and certainly unwise to exhaust the national resources by an augmentation of taxes for its further increase. Whether the Sinking Fund has now reached that point, it belongs not to me to decide, and I wish the most cautious and deliberate wisdom of parliament to be applied to the decision. But it may unquestionably be said, that the Sinking Fund has now reached an extent of which the history of no country affords an example. In no country has the experiment of an annual repayment of twelve millions, or any thing like it, been tried. This at least is obvious, that the present arrangements of the Sinking Fund require revision. As the law now stands it will accumulate to above thirty, possibly to above forty millions, and will be at once reduced to twenty or even to twelve. Whatever may be thought of the effects of its greatest amount, it is undeniable that such a revulsion must be pernicious. If the larger sum be not too great the smaller must be far too little. But I perfectly agree with lord Lansdowne, and all the great authorities which have treated of this subject, that the plan of employing thirty or forty millions in the purchase of stock in time of peace is perfectly impracticable and visionary. A change must therefore be made at some time; and if so, is it not wiser to make it while the inconvenience is still at a distance, than when it is actually pressing, and when any corrective may be opposed, with an appearance of justice, by the individual interests which may be affected by it at the moment? On this account, I think it becomes the House now to pause, and take a deliberate view of the situation of the country, with respect to the repayment of its debt. But other circumstances concur to point out the present as a proper time for some revision of our system. By the original Sinking Fund Act of 1786, provision had been made that when the Fund should have accumulated to the amount of four millions per annum, its further accumulation should cease, and the sums purchased from that time be discharged and made applicable to the public service. Had not that Plan been varied by the Act of 1802, the public would before this time have received relief, from the operation of the Sinking Fund; though only to the limited extent of the interest of four millions a year; for the calculations which were made of its progress fixed the period at which it would have reached its highest amount, between the year 1808, and the year 1812, and the average rate of interest at which its operations have been

conducted prove in fact that it would before this time have accomplished that object. It seems natural to look for some relief from the Sinking Fund at the period at which it would actually have been obtained, if the constitution of the Fund had not been varied. But there is another circumstance still more striking in our present situation. When the Sinking Fund was established in 1786, the total amount of debt was about 240 millions, and the redemption of such a sum appeared, if not utterly hopeless, at least placed at a very remote distance. But great as the difficulty then appeared, the firmness and perseverance of the nation, pursuing this important object with undeviating steadiness, have at length completely surmounted it; and I have the pleasure to refer the Committee to accounts upon their table, which prove that a sum equal to the total capital of the debt existing in 1786 has been redeemed. I mean, Sir, that the sums purchased by the commissioners, or transferred to them, exceed the amount of the debt existing in 1786; for this is the only mode in which the redemption of the old debt can ever be ascertained, the new loans having been contracted in old funds, and no distinction kept up between the earlier and later creditors of the public. If any further circumstance could be wanting to prove that the people of this country have at the present time the fairest title to any relief which can be afforded, consistently with the exact observance of public faith, and due attention to permanent security, it will be found in the extraordinary exertions they have made to prevent the accumulation of public debt. Instead of shifting the burden from themselves, and throwing it upon posterity, they have nobly and manfully supported the load of increasing difficulties which the vicissitudes of this eventful contest have thrown upon them. To prevent the increase of public debt, they have actually paid upwards of 200 millions in war taxes, a sum which considerably exceeds the real value of the debt existing in 1786. The public have therefore a right to claim the merit of having doubly redeemed the original debt; first by its actual repayment, and secondly, by the anticipated payment of a still greater sum which would otherwise have been added to it.

But whatever claims the public may now have on these grounds for relief, and with whatever immediate advantage it might be attended, it becomes us most anxiously to inquire what are the claims of public faith which we owe to the stockholders, and what the conditions on which the public debt has been contracted.

The debt contracted previously to 1792 was raised without any condition of repayment whatever, the government being bound only to the punctual payment of the interest, and left to consult its own discretion or convenience with respect to the discharge of the principal. This debt however I contend is now wholly discharged; and that which now exists has been contracted since the passing of the Act of 1792, and subject to its provisions. Under these the stockholder has perhaps no strict right, as he has voluntarily subscribed his stock into the old funds, which bore no conditions of redemption, but he has undoubtedly a just expectation that the terms of redemption pointed out in that act will be adhered to.

Those terms are, that provision shall be made for the repayment of the capital of all debts subsequently contracted, within 45 years from its creation; either by the specific appropriation of one per cent. upon such capital, or in any other mode which parliament may think fit. That this is the true interpretation of the Act, I affirm on the authority of the declarations and conduct of its illustrious author, Mr. Pitt; and of the resolutions and acts of the legislature itself. Of Mr. Pitt's sentiments, I can mention a very remarkable instance. It must be generally recollected by those gentlemen who eleven years ago were members of the House, that Mr. Pitt strongly supported the Sinking Fund Act of 1802, but it is not perhaps generally known that he was the original proposer of that Act. I speak this from my own perfect knowledge, and there are other living witnesses, and I believe, written documents, in proof of it. The Act originated in a suggestion of Mr. Pitt to lord Sidmouth, then Chancellor of the Exchequer, and his first suggestion went to this extent, that not only no Sinking Fund should be provided upon the sums funded in that year, but that after reserving so much of the Sinking Fund as should be sufficient on calculation to redeem the whole debt at par, within 45 years, the surplus, then amounting to above a million, should be applied to the public service. After much discussion between Mr. Pitt and lord Sidmouth, at which I had the honour to assist, the proposition was reduced to the more

limited form in which it received the sanction of parliament.

There could not be a more decisive declaration of Mr. Pitt's opinion of the true construction of the Act, and it was no less clearly shown by his public conduct on other and even prior occasions. In contracting several loans in 1798, 1799 and 1800, on the credit of the Income Tax, he made no provision for the immediate repayment of the principal, but proposed to discharge it by the continuation of the Income Tax in time of peace, so long as might be necessary. This shews that he viewed the provision for repayment within 45 years rather with regard to probability and practice, than to that extreme nicety and rigour which is sometimes insisted on: for it was clearly possible that the war might outlast 45 years, and in that case no provision whatever would have been made for the redemption; but Mr. Pitt, viewing the subject as a wise and great statesman, according to the probabilities of human affairs, thought it sufficient to make such provision as any reasonable and practical man would think adequate to its purpose; not looking to such cases as, though mathematically true, approached the extreme verge of possibility.

With respect to the resolutions of parliament, I shall beg to refer to the first of those passed by this House on the 18th of May 1802, and lately read at our table. On these Resolutions an Act was founded, which, as well as the Acts which estatablished the loans to which I have just referred, clearly evinces the opinion of the legislature that the Act of 1792 merely required that provision should be made for the redemption of debt within 45 years from its creation, leaving to the discretion of parliament both the mode to be applied in specific cases, and any subsequent variation of that mode which, within the limits prescribed, it may think proper to adopt.

I shall now attempt to explain to the Committee how it appears to me that some immediate relief may be afforded to the public, without the smallest infringement of the provisions of the Act of 1792, which I have detailed. Neither the Act of 1786 nor that of 1792 contains any provision as to the mode in which the debt, when purchased, shall be cancelled or discharged, so as to relieve the charge upon the Consolidated Fund. There are two modes in which this discharge might be carried into effect. The first would be that, supposing any number of successive loans to be contracted, a proportion of Sinking Fund should, according to the present practice, be attached to each, and should continue to accumulate at compound interest until the whole of such loan should be discharged by its exclusive operation, and thus that the redemption of each should be separately and independently effected. This is understood to be the mode established by law under the operation of the Act of 1792, in some degree varied by that of 1802, but remaining in force as to all loans contracted subsequently to the latter of those years. It is evident however that, as the funds are intermingled and consolidated, the stock created for any particular portion of debt cannot be distinguished, and the purchases are made indiscriminately. Any separate loan can therefore no otherwise be redeemed than by purchasing, with the Sinking Fund attached to it, an amount of stock equal to that which was created in consequence of such loan.

The other mode, which would have been equally consonant to the spirit of the Act of 1792, would have been to direct that the debt first contracted shall be deemed to be first paid off, and that the Sinking Fund created in respect of any subsequent loan shall be first applied to the discharge of any prior loan then remaining unredeemed, while the operation of the per centage created for those earlier loans should be continued for the redemption of those subsequently contracted. By this means the loan first contracted would be discharged at an earlier period, and the funds charged with the payment of its interest become applicable to the public service. Thus in the event of a long war, a considerable resource might accrue during the course of the war itself, as every successive loan would contribute to accelerate the redemption of those previously existing, and the total amount of charge to be borne by the public, in respect of the public debt, would be reduced to a narrower compass than in the other mode, in which a greater number of loans would be co-existing. At the same time the ultimate discharge of the whole debt would be rather accelerated than retarded. The advantages of this mode of operation did not perhaps present themselves to Mr. Pitt when framing the arrangements of the Sinking Fund, in the prospect of a continuance of peace, and with a very remote view of the ultimate redemption of

the debt, nor would it have been easily made applicable to the large mass then existing, and for the redemption of which no provision had before been made. But the circumstances of the present time afford a most advantageous opportunity of establishing a plan which would in the first instance have been preferable. It is now only necessary to declare that an amount of stock equal to the whole of the debt existing in 1786 has been redeemed, and that in like manner whenever an amount of stock equal to the capital and charge of any loan raised since 1792 shall be redeemed, in its proper order of succession, such loan shall be deemed and taken to be redeemed and satisfied. Every part of the system will then fall at once into its proper place; and we shall proceed with the future redemption with all the advantages which could have been derived from the original adoption of the mode of successive instead of simultaneous redemption. Instead of waiting till the purchase of the whole of the debt consolidated in 1802 shall be completed, that part of it which existed previously to 1792 will be considered as already redeemed, and the subsequent loans will follow in succession whenever equal portions of stock shall have been purchased. It is satisfactory to observe that by a gradual and equable progress we shall still have the power of effecting the complete repayment of the debt more speedily than by the present course. I do not pronounce whether it will be wise to persevere to that extent. It will be for parliament to judge when the proper time arrives, which is yet at a considerable distance: but we are doing our duty to posterity not only scrupulously but liberally, while we not only much more than satisfy the provisions of the Act of 1792, which requires the redemption of the debt within 45 years, but actually anticipate that course of redemption which is now provided. The tables which will be put into the hands of gentlemen will shew that the means are provided by the proposed plan of effecting the total repayment of the existing debt from four to ten years, and that of the future debt which may be incurred according to the various suppositions assumed from 14 to 37 years, sooner than by the laws now in force. This statement is sufficient to shew how amply the proposed plan is capable of satisfying the most sanguine expectations of the nation with respect to the final discharge of its debts, as well as the fair claims of those who look to the execution of the Act of 1792 as the means of supporting the value of the public funds. I have mentioned the result of such calculations as are intended to be communicated to the House; other cases may be supposed by which the result may be varied in degree but not in general effect.

I have thus far attempted to explain the intended system to the Committee, and to recommend it by its general and intrinsic advantages without displaying the immediate benefits of its adoption. Yet they are such as must be highly satisfactory to parliament, and of the greatest importance in the present situation of the country.

The immediate result of this system, simple as it may appear, and really is, will be equal to a subsidy of above one hundred millions. For four years to come, we may on the supposition of the continuance of war, hope to be obliged to impose no other taxes than such as are required to furnish those additions to the Sinking Fund which I pointed out in the early part of my statement. I need not dwell upon the advantages of such a relief, I need not explain its effects in raising the spirits and animating the exertions of the nation. I need not enlarge on the confidence it must give to our allies, and the despondency it is calculated to impress on our enemies. But that which in my view renders it peculiarly valuable is, that it is so far from being purchased by an accumulation of burdens on the succeeding years, that though its advantages may be very different in degree, according to the different cases supposed, yet it will in all, for several years to come, produce a very considerable diminution of charge.

Such are the general principles of the plan to which I beg to call the most serious attention of the Committee, but not at present to press for its judgment. That it is free from objections I cannot hope, but I trust that parliament will on mature consideration, be convinced, as I am myself conscientiously persuaded, that they are such as bear no proportion to its advantages. I can at least acquit myself of having hastily and rashly determined on a measure of this magnitude and importance. It has for many months been the subject of my most anxious meditations, and of repeated and detailed discussions with those whom I thought most capable of guiding my judgment: and I submit it to the Committee not without great

anxiety, but with the confidence naturally flowing from the most sincere conviction.

I am fully aware that in proposing any change in a system so justly revered, and considered as the firmest hope of the nation, I am incurring a great responsibility. I feel the full weight of this responsibility, but I also feel that I ought not to shrink from it, in the prospect of performing a great public service. Many a gallant and worthy man has laid down his life to achieve a much less important service to his country than that of providing at such a moment the supplies necessary, during four years, for the contest in which we are engaged. In the hope of procuring this benefit to the public, I am willing to risk, what many, to whom life is dearer than it is to me, have valued beyond their lives—I mean that reputation and public confidence which they have sought, and in some degree acquired by a long course of faithful though imperfect service to the public. I am aware that my reputation is staked upon this plan; but God forbid that my reputation, or that of any man should be placed for a moment in competition with the great public interests which are concerned. I only wish the House to deliberate maturely, and to decide wisely. Such information as has appeared to me necessary to enable gentlemen to take a complete view of the plan, will be put into their hands, and if any further information should be desired I shall most readily lend my assistance to furnish it.

I shall now read the Resolutions which I am about to propose, in order to put the Committee in possession of their contents, and then offer the first to the Chairman, that the discussion may be regularly opened, and when those gentlemen who may be disposed to deliver their sentiments have stated such observations as occur to them, I shall, after giving such explanations as the case may require, move that the Chairman shall report progress, with a view to the adjournment of further debate on the subject till Monday sevennight.

The right hon. gentleman then read the Resolutions, as follow :

1. "That the total capital of the Funded Debt of Great Britain, on the 5th January 1786, was 238,231,248*l.* 5*s.* 2¼*d.*; that provision was made for the gradual reduction thereof, by an Act passed in the same year; and that further provision has been made by several Acts since passed, for the more effectual reduction of the said debt, and of the public debt since contracted.

2. "That by virtue of the said Acts, the sum of 238,350,143*l.* 18*s.* 1*d.* exceeding the said sum of 238,231,248*l.* 5*s.* 2¼*d.*, by 118,895*l.* 12*s.* 10¼*d*; had, on or before the 1st March 1813, been actually purchased by the Commissioners, for the reduction of the National Debt, or transferred to the said Commissioners, for the redemption of Land Tax, or for the purchase of Life Annuities.

3. "That it is expedient now to declare, that a sum of capital stock, equal to the total capital of the Public Debt existing on the said 5th January 1786, hath been purchased or transferred as aforesaid; and so soon as further sums of the public debt shall have been so purchased or transferred, making, in the whole, an amount of annual charge of the public debt so purchased or transferred, equal to the whole annual charge of the public debt existing on the said 5th day of January 1786; to declare further, that an amount of public debt, equal to the whole capital and charge of the public debt existing on the said 5th day of January 1786, hath been satisfied and discharged; and that, in like manner, an amount of public debt equal to the capital and charge of every loan contracted since the said 5th January 1786 shall, successively and in its proper order, be deemed and declared to be wholly satisfied and discharged, when and as soon as a further amount of capital stock, not less than the capital of such loan, and producing an interest equal to the dividends thereupon, shall be so redeemed or transferred.

4. "That, after such declaration as aforesaid, the capital stock purchased by the said Commissioners, and standing in their names in the books of the Governor and Company of the Bank of England and of the South Sea Company, shall from time to time be cancelled, as if the same had been transferred for the redemption of the Land Tax; at such times, and in such proportions, not exceeding the amount of debt so declared to be satisfied and dis-

charged (after reserving thereout any sum or sums necessary to make provision for the payment of all life annuities chargeable thereupon) as shall be directed by any Act or Acts of parliament to be passed for such purpose: in order to make provision for the charge of any loan or loans thereafter to be contracted, upon the same funds or securities as are chargeable with the said stock, so declared to be satisfied and redeemed.

5. "That, in order more effectually to secure the redemption of the public debt, conformably to the provisions of the Act of the 32d George 3, cap. 55, it is expepedient to enact that all sums granted for the reduction thereof, by the several Acts aforesaid, should be further continued and made applicable to the reduction of all public debt, now existing, or which may be hereafter contracted during the present war.

6. "That, in order to carry into effect the provisions of the Acts of the 32nd and 42nd of the King, for redeeming every part of the national debt within the period of 45 years from the time of its creation, it is also expedient that, in future, whenever the amount of the sum to be raised, by loan, or by any other addition to the public funded debt, shall in any year exceed the sum estimated to be applicable in the same year to the reduction of the public debt, an annual sum, equal to one half of the interest of the excess of the said loan or other addition, beyond the sum so estimated to be applicable, shall be set apart out of the monies composing the consolidated fund of Great Britain, and shall be issued at the receipt of the Exchequer, to the Governor and Company of the Bank of England, to be by them placed to the account of the Commissioners for the Reduction of the National Debt; and upon the remainder of such loan or other addition, the annual sum of one per cent. on the capital thereof, according to the provisions of the said Act of the 32nd year of his present Majesty.

7. "That, in order to prevent the increase of the Public Debt by means of Exchequer Bills annually renewed, it is expedient that, on the 5th January in every year, an account be taken of all Exchequer Bills outstanding and charged upon funds not deemed capable of making good the same, within one year from such 5th of January, and that a sum equal to one per cent. thereupon be granted out of the supplies of such year, to the said Commissioners for the Reduction of the National Debt.

8. "That it is expedient that so much of the Act passed in the 42nd year of the reign of his present Majesty (42 Geo. 3, cap. 71,) as directs that all monies whatever, which shall be placed from time to time to the account of the said Commissioners, by virtue of either of the therein recited Acts (except so far as the same are hereby repealed) or by virtue of this Act, shall and are hereby appropriated, and shall accumulate in manner directed by the said Acts, for the reduction of the National Debt of Great Britain; and shall be from time to time applied by the said Commissioners, pursuant to the directions, and under and according to the restrictions and provisions of the said therein recited Acts; either in payment for the redemption or in the purchase of the several redeemable Public Annuities of Great Britain, until the whole of the perpetual Redeemable Annuities, now charged upon the Public Funds of Great Britain, including such charge as has arisen, or may arise, on any loan made in Great Britain, before the passing of this Act; and also such charge as shall arise by any annuities, interests, and dividends, payable in consequence of any loans made chargeable on the Consolidated Fund, by an Act passed in this session of parliament, intituled, 'An Act for repealing 'the duties on income, for the effectual 'collection of arrears of the said duties, 'and accounting for the same, and for 'charging the annuities specifically charg'ed thereon upon the Consolidated Fund 'of Great Britain,' shall have been completely redeemed or purchased, should be repealed.

9. "That it is expedient to make provision, that an annual sum of 867,963*l.*

being equal to one per cent. on the capital stock created in respect of several loans raised by virtue of divers Acts passed in the 38th, 39th, 39th, and 40th, and 42nd years of his present Majesty, and for the interest and charges of which provision was made in the said 42nd year of his Majesty, shall be set apart out of the monies composing the Consolidated Fund of Great Britain, and shall be issued at the receipt of the Exchequer, to the Governor and Company of the Bank of England, to be by them issued to the Commissioners for the Reduction of the National Debt.

10. "That it is expedient to make further provision for the more effectual and speedy redemption of the Land Tax."

Mr. *Huskisson* said, that he for one acceded to the postponement of the discussion upon the plan of his right hon. friend until a future day; and as he did not understand that plan, he should, for the present, carefully abstain from any comment upon it further than this; that it appeared to him, upon the face of it, to be the most important change in the financial arrangements of the country that had ever been proposed in the course of a long and eventful war. His right hon. friend had said, in the course of his speech, that Mr. Pitt had always looked to this practical effect; but though he could not see what that might be, he could not shut his eyes to the fact which had been stated by his right hon. friend in the last session, that "the finances of the country were labouring;" a state of things, which he earnestly hoped the present plan might be effectual in remedying. He was well aware of the difficult situation in which his right hon. friend was placed; he should look at the proposed plan in the spirit of candour, and if he troubled the House more at length at a future period, it would not be until he had made himself acquainted with all the details.

Mr. *Tierney* rose to assure the Committee, that he shared most sincerely the sentiments just uttered by the last speaker, and that he would enter into the discussion with the same motives. To him this was no party question; and he professed himself ready to give the right hon. gentleman every assistance in his power, in the arduous task which had devolved upon him. At the same time, he was compelled to own, that the plan just proposed by the right hon. gentleman had somewhat surprised him: he had been indeed led to expect an extensive and new plan of finance; but considering how often the right hon. gentleman had recommended the most strenuous efforts, in order to raise the supplies within the year, he had expected to be called upon to support him in the unpopular measure of raising new taxes; but instead of that, he found himself called upon to support the right hon. gentleman in letting loose 20 millions, for the support of the current expences, out of the fund accumulated to discharge the arrears of anterior expenditure. It appeared to him that the right hon. gentleman intended to do away altogether the Act of 1802, by which the Sinking Fund was consolidated; that right hon. gentleman would do him the justice to acknowledge that he had opposed that Act, foreseeing that the wants of the country might one day or other make it inconvenient. That moment had now come; but we were not thereby authorised to wrest from the creditor of the state, from those men who had purchased stock since that Consolidation Act, the additional security which it gave them. According to Mr. Pitt's plan of the Sinking Fund, every stockholder could know as well as the minister himself, the time at which the funds he held in his hands would become redeemable, and he knew also that the Sinking Fund was not to be touched until its revenue exceeded the sum of four millions. The Consolidation Act of 1802, gave additional advantages to the lenders, inasmuch as by it they knew that the Sinking Fund could not be touched, until, by the accumulation of interest, the whole of the debt should be extinguished. Purchases in the stocks had been made in consequence of those favourable terms, and to break them now would appear to him bordering on a breach of public faith. Another disadvantage which appeared to him to attend that plan, was the want of stability in the system, for the one per cent. applicable to the redemption of Exchequer Bills, and the additional per cent. on the new loans, specifically applicable likewise to their gradual discharge, were to be provided for by a yearly grant. He considered that anticipation of a probable vote of the House of Commons, as too precarious and slender to form the

basis of public credit. Besides, that per centage not being raised by taxes, would be considered in no other light but as an increase of the loans, and thus we should be undoing with one hand what we attempted to do with the other. He would not, however, make any objection to the plan at present, and would only say one word more as to the Sinking Fund. The right hon. gentleman had stated that the amount of that fund was to that of the National Debt as one to forty-four; and that, of course, even with the supplies he intended to draw from that source, the public creditor would still be in a better situation, than after the passing of the Sinking Fund Consolidation Act, for, in 1802, that proportion was as one to seventy-seven. But the right hon. gentleman had forgotten to advert to the price of stocks, which must be taken into consideration, as greatly altering the proportion, and which were considerably higher at the former period than at present. He would not now discuss the question, but reserve it for future consideration. That the right hon gentleman meant honestly and fairly, he had no doubt; but he could not help thinking that his financial reputation, which he truly represented to be as dear to him as his life, was in considerable jeopardy. He hoped, however, that he would have a good deliverance; for no man, he thought, could stand in a more awkward situation at the bar of the financial tribunal. He hoped that no other proceedings would be instituted on the subject before Monday se'nnight. Indeed, was he not aware that, from a sense of public necessity, the right hon. gentleman could not further delay to submit his plan to the House, he would himself have proposed a more remote day, and, in the mean time, have moved for a select committee, to take the state of the finances of the country into consideration, and report their opinion to the House; for it appeared to him difficult that the House should pronounce on such a complicated subject without some such previous enquiry. If this plan were carried into effect, it struck him that there would be nothing to meet the expences of a peace but the annual taxes, namely, those on land and malt, and the Consolidated Fund. What proportion these resources would bear to the expence and exigencies of such a peace as, he was afraid, they were likely to make, was worthy of the consideration of the legislature, before they acceded to a scheme, which would impair the Sinking Fund. It was pleasant to say, that, for four years, there would be no necessity for additional taxes; that 7 millions would be saved from the Sinking Fund, and that taxes to that amount would, at the expiration of that time, be to the good. But he did not know this. In fact, the measure might so disgust persons (who were now ready to come forward with pecuniary assistance to the state) with parliamentary proceedings on this subject, that when they wanted their aid, at a future period, they would not be able to procure it. He would now sit down, assuring the right hon. gentleman, that in the retirement of his closet he would endeavour to divest himself of any feeling of hostility towards the plan which had been submitted; and would study it, till his better judgment should either convince him of the propriety of giving it his most cordial support, or of opposing it, as prejudicial to the credit of the country.

Mr. *Giddy* said, the plan proposed was, essentially, nothing more than calling on the Sinking Fund to bear the expences of the year. The best effects, moral and political, had been produced by the establishment of that fund, which, he was afraid, the right hon. gentleman's system would diminish, by altering and impairing it. The right hon. gentleman seemed to think that we might now have recourse to that fund, which would be the means of rendering additional taxation unnecessary for some years; and that, at a future period, those taxes might be resorted to for the public service. He was afraid, that those who entertained such an opinion would be deceived. For, after the public had been exempted for some years from additional burdens, he doubted whether any minister would be found hardy enough, under such circumstances, to propose an enlarged system of taxation. He would abstain from farther observation at that time, and conclude with saying, that he never had heard a plan proposed which had given him so much pain.

The *Chancellor of the Exchequer* said, that the leading objection of the right hon. gentleman (Mr. Tierney) was, that the plan now proposed would overturn the system of 1802, an objection coming rather oddly from that right hon. gentleman, who had constantly expressed his disapprobation of that system, and contended that it was inconvenient and impracticable. He now, however, argued that the

stockholder had a right to look to the continuance of that system, and to complain if it should be altered. He (the Chancellor of the Exchequer) thought, on the other hand, that the stockholder might, with some appearance of justice, have complained of the system of 1802, at the time when it was established, because it introduced a change, which might then have appeared unfavourable to his interests. No complaint was however made; the stockholder acquiesced with cheerfulness and confidence in the wisdom of parliament. But it appeared to him impossible that he could make any complaint now, when the intended change would restore him to that situation in which he would have been placed, if all the loans had been raised in the ordinary manner, and the Act of 1802 had not taken place. It was now proposed to appropriate 870,000*l.* a year immediately to the Sinking Fund, and such a grant was of much more value than the speculation of a possible remote advantage.

The right hon. gentleman had stated that the money market would be set afloat, and that in the worst way, not by any fixed and permanent plan. In fact, the plan, when once established, would be as fixed and permanent as any other; and perhaps less liable to variation than the present plan, which was generally allowed to require some revision. "Every stockholder," said the right hon. gentleman, "knew as well as Mr. Pitt when the Sinking Fund under the Act of 1786 would be limited." Every stockholder will, under the proposed system, know as well as the minister what the amount of the Sinking Fund in every year will be, and may form his speculations with as much certainty as upon the plan now existing or any other. All such speculations must be in their nature uncertain, because the prices of stock will be varied by circumstances which cannot be foreseen; but they may, under the proposed plan, be entered into with as much security as their own nature admits of. He trusted that the right hon. gentleman would, when he should come to examine the plan more maturely, find that many of his objections rested upon a misconception of it. With respect to the time when it should be taken into consideration, he could see no necessity for postponing the consideration of it beyond Monday se'nnight. In the interval any gentleman who might not be satisfied with the information which would be put into his hands, might call for any further documents which he might think necessary; and he (the Chancellor of the Exchequer) would be happy to assist in procuring any information which might be desired. If it should then appear to be absolutely necessary that a longer period should be given for consideration, he should not object to it; for he was as much impressed with the magnitude of the subject as any gentleman, and he should feel more regret than any, if the House should come to a hasty decision, because he should feel himself involved in a deeper responsibility. But it certainly appeared to him, perhaps from having given the plan so much previous consideration, that a few days would be sufficient to enable gentlemen to make themselves masters of it. To him it was particularly recommended by the consideration that it was equally applicable to all the various circumstances to which we could with probability look forward. It was not limited to a particular amount of expenditure; it was not confined to a state of war or of peace, but would adapt itself to every change of situation. He had already pointed out its effects in time of war, but had omitted to mention its operation in time of peace. In that event he considered its advantages as even greater than in time of war, and superior to whatever had been attempted in any measure which had been proposed to parliament. It afforded an opportunity of keeping at the constant disposal of parliament the means of funding a large sum, to the extent, if required, of 100 millions or more, as a resource eventually to be applied in case of the renewal of hostilities. This was such a treasure as had never been possessed either by this country, or by any other; and could not fail to impress upon every foreign power, a just sense of the value of the friendship of this country, and of the danger of provoking its hostility.

With respect to any constitutional jealousy which might be naturally excited on the first mention of such a fund, it should be recollected that it in no way freed the crown from the control of parliament; that it was a treasure strictly parliamentary, and which could only be touched by the authority of the legislature.

He wished only to add one word with regard to the anxiety expressed by the right hon. gentleman for the consolidated fund. He begged to assure him that the effect of the proposed plan could only be

to strengthen the consolidated fund and not to impair it. He felt as strongly impressed as the right hon. gentleman with the importance of supporting the consolidated fund; and he appealed to him whether he had not, in measures in which he had been engaged, proved his anxiety on this subject more strongly than the right hon. gentleman himself ever had an opportunity of doing.

Mr. *Baring* did not think it possible to go at all into argument on this subject, with the imperfect information which was then before the House. But the mere stating of the case comprised circumstances which shocked persons who were anxious for the firm state of public credit, and for the fair situation of the finances of the country. They could not hear those circumstances stated, without expressing regret and surprise. He felt considerable alarm at the progress this plan was likely to make; at the same time he must observe on the subject of interfering with the Sinking Fund, that a period might come, when it would be necessary to interfere with it, even if the new system had not been introduced. The circumstance of the Sinking Fund letting loose twenty millions at once, at the disposal of government, rendered some regulation on the subject necessary; but there was a great difference between that regulation which went to strengthen the fund, and that which would have the effect of weakening it. In making any alteration, they must necessarily look to the state of Europe and of the world at the time the alteration was proposed. They must consider whether their finances had been productive in that year, or whether the national expenditure had been diminished. They must examine, whether, for a year or two, the expenditure had not been greatly increased; and whether, in addition to this, they did not find, from the price of the public funds, that there was a difficulty in raising the supplies, by way of loan, in preference to taxes. Perhaps, on a review of these circumstances, they might consider the present an unfavourable period for touching the Sinking Fund at all. He thought it was desirable, that the public should be apprised of the nature of the plan; its discussion, in his opinion, could create no immediate effect on public credit. What the measure itself would produce in two or three years, was another thing. As it was intended that, in the present year, taxes to the amount of 870,000*l.* should be appropriated to the Sinking Fund, it would, of course, be rather increased than diminished. Setting aside the complicated statement of figures, the real difference consisted in the variation between the amount of taxes under the new plan, viz. 750,000*l.* and 1,700,000*l.* which was called for the charges, &c. under the old plan. The new system would not create an immediate effect; but he called on those who were the guardians of the public finances in that House, to consider its operation very seriously. For his own part he should come to the discussion with a calm and deliberate mind; and he was sure, political differences being laid aside, the House would have but one object in view—the safety and security of the country.

Lord *Castlereagh* observed, that whatever were the merits or demerits of the plan, he thought no expressions should have been made use of, tending to create an immediate effect on public credit. In this point of view, the hon gentleman who had just sat down had, in his opinion, placed the question on its true grounds, and corrected the doubts which had been thrown out, in speeches made that evening—he was convinced that those by whom they were delivered, had no intention of producing any unpleasant feeling in the public mind; but still what had been observed, if it had gone out to the world, unaccompanied by the statement of the hon. gentleman, who spoke last, that no immediate effect would be produced, might have done mischief.

Sir *John Newport*, without any declared opposition on his part to the plan, thought it became the duty of the committee to examine, in the most minute manner, the resolutions, with respect both to their immediate and futue operration on the financial system of the country.

Mr. *H. Thornton* noticed two objections: first, that by this proposed plan the amount of the Sinking Fund would eventually be diminished, and the funds consequently reduced: second, he hoped that no unfair impression would go abroad. His own general opinion was, that it was better to pass a prospective measure of this description than to adopt it suddenly. It was not enough to look at it as it might affect taxation, but its future operation on the stock market it was equally important to attend to. Another point was, how far it was consistent with the public faith pledged in 1792, and the Act of Parliament upon

which those who lent their money to the state relied for redemption at a particular period. The other main objection that occurred to him was, the effect which the precedent might have in affecting the confidence of the creditor in future. At present he would not enter farther into the subject, but reserve himself for a more minute enquiry.

The *Chancellor of the Exchequer* observed, that his hon. friend was greatly mistaken in supposing that the Sinking Fund would ever be reduced 7 millions below its present amount. The greatest diminution would in fact be only about two millions, which would take place, in the course of about four years, after which the Sinking Fund would again gradually accumulate. He again contended that the plan was perfectly consistent with good faith towards the public creditor. Any idea to the contrary could only arise, as most of the objections made that evening had done, from a misconception of the plan. The faith pledged to the public creditor was that of an adherence to the Act of 1792, to which the proposed plan was strictly conformable. That act required that provision should be made for the redemption of the debt, within 45 years: the different plans of Mr. Pitt, of lord Sidmouth, and of lord Lansdowne, were all founded on that basis. The plan now submitted to the committee not only strictly complied with this condition, but actually made provision for the redemption of the debt within a shorter time than the laws now in force. It was therefore capable of performing more than the stockholder had a right to look to, or the public to expect.

But in considering the case of the stockholder it was impossible for him to overlook that great and numerous body of the stockholders to whom a respite of four years from increasing taxation would be more valuable than to almost any other class in the community; they comprised that body of annuitants who drew a limited income from the funds, which formed their sole subsistence. They had not, like most other classes of men, the means of increasing their income by their industry, or of giving an additional value to their property. On such persons every addition of taxation fell with unmitigated severity, and to such the relief to be obtained from the proposed system would be most seasonable and salutary. He trusted and believed that it would be so received and felt, and that the blessings of thousands of widows and orphans would be poured down, not upon him for suggesting the plan, but upon parliament for sanctioning it.

Some conversation then took place across the table as to the repetition now of the arguments employed on the question of the Sinking Fund in 1802. The Chancellor of the Exchequer admitted that the stockholder, after a lapse of thirty years, would be benefited, but until that period arrived his condition would be worse after the adoption of this plan than before it.

Mr. *Tierney* lamented that he should not live to enjoy any of the fruits of this noble scheme, since the advantages were postponed to so remote a period. The right hon. gentleman might be content with this distant view of the promised land, but for his part, he had rather experience some immediate benefits.

The *Chancellor of the Exchequer* referred to the inconvenience that might result from paying off the whole of the national debt: it would be little better than a national bankruptcy; and illustrated it by referring to the case of the elector of Saxony, who had been petitioned by a vast number of persons to continue to them the public security for money they could not otherwise dispose of.

The Chairman then reported progress, and it was ordered that the Report be taken into further consideration on the 15th.

HOUSE OF LORDS.

Thursday, March 4.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] The Earl of *Moira* presented a petition from the Catholics of the county of Galway, praying the repeal of disabilities. His lordship took that opportunity (as he might not be present at the discussion of the question) to declare his opinion that the removal of these disabilities was not only the wisest and most politic, but also the only safe course that could be adopted.

Earl *Grey* presented petitions from certain Christians at Sheffield and its neighbourhood, and from the Protestant Dissenters there, praying for the repeal of all disabilities on account of religious opinions. He also presented a petition in favour of the Catholic Claims, from the portmen of Ipswich, and one to the same

effect from the inhabitants of Berwick-upon-Tweed. With respect to the latter, his lordship observed, that a petition from the corporation, against the Catholic claims, had been presented, which had been agreed to at a meeting, by a majority of those present; but he was instructed to state, that the present petition was signed by 80 of the burgesses, forming, in fact, a majority of the corporation.

Lord *Holland* presented a petition from the Protestant dissenting ministers of the three denominations in London and its vicinity, praying for the repeal of all disabilities, on account of religious opinions. His lordship observed, that the petitioners were the successors of those persons who had so materially contributed to the restoration of Charles the 2nd, and of those, who, at a later period, had consented to acts, which involved the sacrifice of their own privileges, with the most disinterested view of supporting the House of Hanover. Their petitions upon the present occasion had been accelerated in consequence of what had been stated by right reverend prelates and other lords, that petitions which they presented against the Catholic claims had been signed by Protestant dissenting ministers and Protestant dissenters. They were therefore anxious to make known their sentiments in favour of general religious liberty, that it might not be supposed that they participated in the opinions of a contrary description thus stated to have been expressed by others.

The Earl of *Essex* presented a petition in favour of the Catholic claims, from the nobility, gentry, and freeholders of the county of Flint.

Lord *Kenyon* adverted to the petition already presented, which had been agreed upon at a county meeting of Flintshire, with only two dissentient voices, and stated that, subsequently, with a view to obtain this counter petition, the greatest exertions had been used by the agents of earl Grosvenor to procure the signatures to it of persons dependent upon his lordship and in his employ. They had for this purpose resorted to threats, and in particular two individuals had been threatened with being turned out of their farms, and dismissed from his lordship's employ, if they did not sign the petition.

The Earl of *Essex* said, he knew nothing of the circumstances alluded to by the noble lord. The petition had been handed to him, the noble earl alluded to not being able to attend.

Lord *Kenyon* stated, that he had intimated to earl Grosvenor his intention of stating the facts connected with the manner of obtaining signatures to this petition, if that noble earl should present it. He disclaimed any intention of imputing to the noble earl who now presented the petition, any knowledge of the circumstances to which he had alluded.

HOUSE OF COMMONS.

Thursday, March 4.

THE PRINCESS OF WALES.] Public expectation probably never rose so high as on this evening, in consequence of the expected discussion in the House of Commons on the subject of the Princess of Wales's Letter, and the explanation which was naturally looked for. An immense crowd assembled in the avenues of the House, and the gallery door not being opened till five o'clock, after two ballots had been gone through, there was ample time for the crowd to accumulate. The Gallery, on its being opened, was immediately filled, and great numbers, disappointed of admission, were compelled reluctantly to take their departure.

It had been rumoured for two or three days previously, that the bringing in the question relative to the Princess of Wales, would be the signal for some member to move the standing order for the exclusion of strangers. It was doubted, however, whether any member would execute so unwelcome a task. Events proved this rumour to be well founded, and Mr. Lygon was the member who volunteered his services to close the doors. A great number of peers were below the bar anxious to hear the discussion, who of course were, equally with other strangers, compelled to quit the House. In consequence of the sitting being thus rendered secret, Mr. Bennet moved an adjournment, upon which the House divided, Ayes 139; Noes, 248. Majority, 109. The adjournment being thus negatived,

Mr. *Cochrane Johnstone* rose and said, that as the hon. gentleman opposite had cleared the gallery, he should not bring forward his motion that night, but reserve to himself the right of renewing it on any future occasion.

Mr. *Lygon* said, that whenever the hon. gentleman did renew his motion, he should feel it to be his duty again to move the standing order for clearing the gallery.

Mr. *Wynn* wished to be informed by

his Majesty's ministers, whether it was their intention to bring forward any motion on the subject of the Letter addressed by her royal highness the Princess of Wales to the Speaker, and which had been communicated to the House?

Lord *Castlereagh* said, it was his intention to avail himself of the first opportunity to give such explanations as his duty required from him. It would not, however, be taking a fair part towards her Royal Highness, if after throwing herself on the House as she had done, he should originate any question. It was a singular situation in which her Petition stood, if there was no individual in the House to explain the nature of her complaint, and to propose some remedy for it. If any person was prepared to come forward, then it would be for the House to determine what course it was most proper for it to pursue. He was certainly the last person who could be charged with that task, but he should have no reluctance to explain such matters as his duty would allow him to speak of on a proper occasion.

Mr. *Whitbread* said, he was surprised that the noble lord did not, on the day the Letter from the Princess of Wales was read to the House, give notice of some motion on so important a proceeding; it was due to her Royal Highness, to the House, and to the public, that some investigation should follow such an appeal as had been made to them. No similar application was ever placed on the table without some proceeding suitable to its degree of importance. He did not know that the noble lord, or the Speaker, were called to that council, till he read the Pilot Newspaper of that evening, containing what was said to be the Report alluded to in the Letter of the Princess of Wales, and signed by 22 members of the council. The House, in his opinion, could not be satisfied without further explanation; and it was the duty of ministers, in the first instance, to have moved for an authentic copy of the Report that was agreed to*. It was also right that the House should know what was referred by his royal highness the Prince Regent to the council, as the foundation of their Report, whether it was the Report of 1806, or the Minute of Council of 1807, signed by lord Eldon, the noble lord, and the member for Liverpool, (Mr. Canning) in which her Royal Highness was declared to be wholly innocent. If the Report contained in the Pilot paper was correctly given, he concurred with her Royal Highness, that aspersions were cast upon her which tended to the insecurity of the state. For there certainly was one passage so ambiguously worded, that an inference might be drawn from it, that her Royal Highness had been guilty of great misconduct; whilst it also might bear the construction, that she was no farther blamable than for such things as might be considered but trifling offences. Under this impression he again said it became the noble lord to move for the Report. The transactions ought not to be kept secret. He was neither the adviser or counsellor of her Royal Highness, but it should be seen whether or not the noble lord had not been both her acquitter and accuser.

Lord *Castlereagh* replied, that he would not consent to be put on his defence for any petition, or to give any explanations, if no individual thought proper to submit a motion upon it. It was his duty as a privy counsellor not to disclose the secrets of the council without the permission of the crown—nothing should induce him to swerve from his course of duty; but at the same time he would say, that he had given no advice which he was not willing to avow and to defend. If the hon. member had read the Report, he would find it was not open to the construction put upon it. The question for the consideration of the council was not one of charge, but one relating to regulations under which her Royal Highness was to be allowed to see her daughter.

Mr. *Whitbread* then read the Report, and said the public were ignorant of all the circumstances which had induced the

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* The following is a Copy of the said Report:

REPORT, &c. TO HIS ROYAL HIGHNESS THE PRINCE REGENT—*February* 1813.

The following Members of his Majesty's most honourable Privy Council, viz.

His grace the archbishop of Canterbury, the right hon. the Lord High Chancellor, his grace the archbishop of York, his grace the Lord Primate of Ireland, the Lord President of the council, the Lord Privy Seal, the earl of Buckinghamshire, the earl Bathurst, the earl of Liverpool, the earl of Mulgrave, the viscount Melville, the viscount Sidmouth, the viscount Castlereagh, the right hon the lord bishop of London, the right hon. lord Ellenborough,

council to make such a Report. Was the Report of 1806 referred to, to refresh the memory of those who were in the old cabinet, or that of 1807, to give information to the present ministers? It should be remembered that her Royal Highness had no privy council, no members of parliament at her command. But if no other member would submit a motion to the House on her petition, he would do so,

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lord chief justice of the Court of King's bench; the right hon. the Speaker of the House of Commons, the right hon. the Chancellor of the Exchequer, the right hon. the Chancellor of the Duchy, his honour the Master of the Rolls, the right hon. the Lord Chief Justice of the Court of Common Pleas,* the right hon. the Lord Chief Baron of the Court of Exchequer, the right hon. the Judge of the High Court of Admiralty, the right hon. the Dean of the Arches. Having been summoned by command of your Royal Highness, on the 19th of February 1813, to meet at the office of viscount Sidmouth, secretary of state for the home department, a communication was made by his lordship to the lords then present in the following terms:—

"My lords; I have it in command from his royal highness the Prince Regent, to acquaint your lordships, that a copy of a Letter from the Princess of Wales to the Prince Regent having appeared in a public paper, which Letter refers to the proceedings that took place in an inquiry instituted by command of his Majesty, in the year 1806, and contains, among other matters, certain animadversions upon the manner in which the Prince Regent has exercised his undoubted right of regulating the conduct and education of his daughter the Princess Charlotte; and his Royal Highness having taken into his consideration the said Letter so published, and adverting to the directions heretofore given by his Majesty, that the documents relating to the said inquiry should be sealed up, and deposited in the office of his Majesty's principal secretary of state; in order that his Majesty's government should possess the means of restoring to them if necessary; his Royal Highness has been pleased to direct, that the said Letter of the Princess of Wales, and the whole of the said documents, together with the copies of other letters and papers, of which a schedule is annexed, should be referred to your lordships, being members of his Majesty's most honourable privy council, for your consideration; and that you should report to his Royal Highness your opinion, whether, under all the circumstances of the case, it be fit and proper that the intercourse between the Princess of Wales and her daughter, the Princess Charlotte, should continue to be subject to regulation and restraint:—"

Their lordships adjourned their meetings to Tuesday the 23d February; and the intermediate days having been employed in perusing the documents referred to them, by command of your Royal Highness, they proceeded on that and the following day to the further consideration of the said documents, and have agreed to report to your Royal Highness as follows:—

In obedience to the commands of your Royal Highness, we have taken into our most serious consideration the Letter from her royal highness the Princess of Wales to your Royal Highness, which has appeared in the public papers, and has been referred to us by your Royal Highness, in which letter the Princess of Wales, amongst other matters, complains that the intercourse between her Royal Highness and her royal highness the Princess Charlotte, has been subjected to certain restrictions.

We have also taken into our most serious consideration, together with the other papers referred to us by your Royal Highness, all the documents relative to the Inquiry instituted in 1806, by command of his Majesty, into the truth of certain representations, respecting the conduct of her royal highness the Princess of Wales, which appears to have been pressed upon the attention of your Royal Highness, and to have been transmitted by your Royal Highness, in consequence of the advice of lord Thurlow, and upon grounds of public duty, to his Majesty's confidential servants, by whom they were submitted to his Majesty's consideration. And your Royal Highness having been graciously pleased to command us to report our opinions to your Royal Highness, whether, under all the circumstances of the case, it be fit and proper, that the intercourse between the Princess of Wales and her daughter, the Princess Charlotte, should

* The Chief Justice of the Court of Common Pleas was prevented by indisposition from attending, during any part of these proceedings.

though this was peculiarly the duty of the noble lord. It was sufficient for a member of parliament in his common capacity, to say he would wait and give his opinion, but such was not the duty of the noble lord as a minister of the crown in that House in such a case.

Lord *Castlereagh* would still persevere in refusing to answer any questions arising out of a statement found in a public newspaper, nor would he have said so much, had it not been endeavoured to impute intentions to the government which they never formed.

Mr. *Whitbread* was not calling in question the intentions but the acts of ministers—their intentions he did not know.

Lord *Stanley* asked whether it was the

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continue to be subject to regulation and restraint—

We beg leave humbly to report to your Royal Highness, that after a full examination of all the documents before us, we are of opinion, that under all the circumstances of the case, it is highly fit and proper, with a view to the welfare of her royal highness the Princess Charlotte, in which are equally involved the happiness of your Royal Highness in your parental and royal character, and the most important interests of the state, that the intercourse between her royal highness the Princess of Wales and her royal highness the Princess Charlotte, should continue to be subject to regulation and restraint.

We humbly trust that we may be permitted, without being thought to exceed the limits of the duty imposed on us, respectfully to express the just sense we entertain of the motives by which your Royal Highness has been actuated in the postponement of the Confirmation of her royal highness the Princess Charlotte, as it appears, by a statement under the hand of her majesty the Queen, that your Royal Highness has conformed in this respect to the declared will of his Majesty, who had been pleased to direct, that such ceremony should not take place till her Royal Highness should have completed her 18th year.

We also humbly trust that we may be further permitted to notice some expressions in the Letter of her royal highness the Princess of Wales, which may possibly be construed as implying a charge of too serious a nature to be passed over without observation. We refer to the words—"suborned traducers." As this expression, from the manner in which it is introduced, may, perhaps, be liable to be understood (however impossible it may be to suppose that it can have been so intended), to have reference to some part of the conduct of your Royal Highness, we feel it our bounden duty not to omit this opportunity of declaring that the documents laid before us afford the most ample proof, that there is not the slightest foundation for such an aspersion.

(*Signed*)

C. CANTUAR'	SIDMOUTH,
ELDON,	CASTLEREAGH,
E. EBOR'	J. LONDON,
W. ARMAGH,	ELLENBOROUGH,
HARROWBY, P. C.	CHAS. ABBOT,
WESTMORELAND, C. P. S.	N. VANSITTART,
BUCKINGHAMSHIRE,	C. BATHURST,
BATHURST,	W. GRANT,
LIVERPOOL,	A. MACDONALD,
MULGRAVE,	W. SCOTT,
MELVILLE,	J. NICHOLL.

(A true Copy) SIDMOUTH.

The following are the Documents referred to in the preceding Report:

LETTER addressed by Her Royal Highness the PRINCESS of WALES, to the PRINCE REGENT, dated Montague House, January 14, 1813.

Sir; it is with great reluctance that I presume to obtrude myself upon your Royal Highness, and to solicit your attention to matters which may, at first, appear rather of a personal than a public nature. If I could think them so—if they related merely to myself—I should abstain from proceedings which might give uneasiness, or interrupt the more weighty occupations of your Royal Highness's time. I should continue, in silence and retirement, to lead the life which has been prescribed to me, and console myself for the loss of that society and those domestic comforts to which I have so long been a stranger, by the reflection that it has been deemed proper I should be afflicted without any fault of my own—and that your Royal Highness knows it.

But, Sir, there are considerations of a higher nature than any regard to my own happiness, which render this address a duty both to myself and my daughter. May I venture to say,—a duty also to my husband, and the people committed to his care? There is a point beyond which a guiltless woman cannot with safety carry

intention of ministers to take any other notice of the Letter, addressed to the Speaker of that House by the Princess of Wales?

Lord *Castlereagh* said, that whenever any intention of that nature was entertained by the Prince Regent's ministers, due notice would be given of it.

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her forbearance. If her honour is invaded, the defence of her reputation is no longer a matter of choice; and it signifies not whether the attack be made openly, manfully, and directly—or by secret insinuation, and by holding such conduct towards her as countenances all the suspicions that malice can suggest. If these ought to be the feelings of every woman in England who is conscious that she deserves no reproach, your Royal Highness has too sound a judgment, and too nice a sense of honour, not to perceive, how much more justly they belong to the mother of your daughter—the mother of her who is destined, I trust at a very distant period, to reign over the British empire.

It may be known to your Royal Highness that during the continuance of the restrictions upon your royal authority, I purposely refrained from making any representations which might then augment the painful difficulties of your exalted station. At the expiration of the restrictions I still was inclined to delay taking this step, in the hope that I might owe the redress I sought to your gracious and unsolicited condescension. I have waited, in the fond indulgence of this expectation, until, to my inexpressible mortification, I find that my unwillingness to complain, has only produced fresh grounds of complaint; and I am at length compelled, either to abandon all regard for the two dearest objects which I possess on earth, mine own honour, and my beloved child, or to throw myself at the feet of your Royal Highness as the natural protector of both.

I presume, Sir, to represent to your Royal Highness, that the separation, which every succeeding month is making wider, of the mother and the daughter, is equally injurious to my character and to her education. I say nothing of the deep wounds which so cruel an arrangement inflicts upon my feelings, although I would fain hope that few persons will be found of a disposition to think lightly of these. To see myself cut off from one of the very few domestic enjoyments left me—certainly the only one upon which I set any value, the society of my child—involves me in such misery, as I well know your Royal Highness could never inflict upon me if you were aware of its bitterness. Our intercourse has been gradually diminished. A single interview weekly seemed sufficiently hard allowance for a mother's affections—That, however, was reduced to our meeting once a fortnight; and I now learn that even this most rigorous interdiction is to be still more rigidly enforced.

But while I do not venture to intrude my feelings as a mother upon your Royal Highness's notice, I must be allowed to say, that in the eyes of an observing and jealous world, this separation of a daughter from her mother will only admit of one construction—a construction fatal to the mother's reputation. Your Royal Highness will also pardon me for adding, that there is no less inconsistency than injustice in this treatment.—He who dares advise your Royal Highness to overlook the evidence of my innocence, and disregard the sentence of complete acquittal which it produced—or is wicked and false enough still to whisper suspicions in your ear, betrays his duty to you, Sir, to your daughter, and to your people, if he counsels you to permit a day to pass without a further investigation of my conduct. I know that no such calumniator will venture to recommend a measure which must speedily end in his utter confusion. Then let me implore you to reflect on the situation in which I am placed; without the shadow of a charge against me—without even an accuser—after an enquiry that led to my ample vindication—yet treated as if I were still more culpable than the perjuries of my suborned traducers represented me, and held up to the world as a mother who may not enjoy the society of her only child.

The feelings, Sir, which are natural to my unexampled situation, might justify me in the gracious judgment of your Royal Highness, had I no other motives for addressing you but such as relate to myself. But I will not disguise from your Royal Highness what I cannot for a moment conceal from myself, that the serious, and it soon may be, the irreparable injury which my daughter sustains from the plan at present pursued, has done more in overcoming my reluctance to in-

Lord *Milton* thought it the bounden duty of ministers to take up the business, which was of the greatest importance in every point of view, and not of so trivial a nature as the noble lord affected to consider it.

Mr. *Bennet* declared, that whenever the gallery was cleared, he should persist in moving an adjournment; and he now again moved that the House should adjourn.

Mr. *Yorke* expressed his regret that the

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trude upon your Royal Highness, than any sufferings of my own could accomplish; and if for her sake I presume to call away your Royal Highness's attention to the other cares of your exalted station, I feel confident I am not claiming it for a matter of inferior importance either to yourself or your people.

The powers with which the constitution of these realms vests your Royal Highness in the regulation of the royal family, I know, because I am so advised, are ample and unquestionable. My appeal, Sir, is made to your excellent sense and liberality of mind in the exercise of those powers: and I willingly hope that your parental feelings will lead you to excuse the anxiety of mine for impelling me to represent the unhappy consequences which the present system must entail upon our beloved child.

Is it possible, Sir, that any one can have attempted to persuade your Royal Highness, that her character will not be injured by the perpetual violence offered to her strongest affections—the studied care taken to estrange her from my society, and even to interrupt all communication between us? That her love to me, with whom, by his Majesty's wise and gracious arrangements, she passed the years of her infancy and childhood, never can be extinguished, I well know, and the knowledge of it forms the greatest blessing of my existence.

But let me implore your Royal Highness to reflect how inevitably all attempts to abate this attachment, by forcibly separating us, if they succeed, must injure my child's principles—if they fail, must destroy her happiness.

The plan of excluding my daughter from all intercourse with the world, appears to my humble judgment peculiarly unfortunate. She who is destined to be the sovereign of this great country, enjoys none of those advantages of society which are deemed necessary for imparting a knowledge of mankind to persons who have infinitely less occasion to learn that important lesson: and it may so happen, by a chance which I trust is very remote, that she should be called upon to exercise the powers of the crown, with an experience of the world more confined than that of the most private individual. To the extraordinary talents with which she is blessed, and which accompany a disposition so singularly amiable, frank, and decided, I willingly trust much; but beyond a certain point the greatest natural endowments cannot struggle against the disadvantages of circumstances and situation. It is my earnest prayer, for her own sake as well as her country's, that your Royal Highness may be induced to pause before this point be reached.

Those who have advised you, Sir, to delay so long the period of my daughter's commencing her intercourse with the world, and for that purpose to make Windsor her residence, appear not to have regarded the interruptions to her education which this arrangement occasions; both by the impossibility of obtaining the attendance of proper teachers, and the time unavoidably consumed in the frequent journies to town, which she must make, unless she is to be secluded from all intercourse, even with your Royal Highness and the rest of the royal family. To the same unfortunate counsels I ascribe a circumstance in every way so distressing both to my parental and religious feelings, that my daughter has never yet enjoyed the benefit of confirmation, although above a year older than the age at which all the other branches of the royal family have partaken of that solemnity. May I earnestly conjure you, Sir, to hear my intreaties upon this serious matter, even if you should listen to other advisers on things of less near concernment to the welfare of our child?

The pain with which I have at length formed the resolution of addressing myself to your Royal Highness is such as I should in vain attempt to express. If I could adequately describe it, you might be enabled, Sir, to estimate the strength of the motives which have made me submit to it. They are the most powerful feelings of affection, and the deepest impressions of duty towards your Royal Highness, my beloved child, and the country, which I devotedly hope she may be preserved to

hon. member should think it right to persist in his motion, and thus impede the progress of the public business. The House, he thought, should mark its sense of such conduct. He had once been a marked man, and was near having his house pulled about his ears, for doing his duty in a similar manner. He did not hesitate to say, that unless the House marked the enforcement of the standing order as

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govern, and to shew by a new example the liberal affection of a free and generous people to a virtuous and constitutional monarch.

I am, Sir, with profound respect, and an attachment which nothing can alter, your Royal Highness's most devoted and most affectionate consort, cousin, and subject, CAROLINE LOUISA.

Copy of a REPORT made in 1806, by the four Commissioners appointed by the King, viz. lord Erskine, (Chancellor,) lord Grenville, First Lord of the Treasury, lord Spencer, Secretary of State, lord Ellenborough, Chief Justice of the King'-bench, to examine into the conduct of her royal highness the Princess of Wales.

May it please your Majesty,

Your Majesty having been graciously pleased by an instrument under your Majesty's royal sign manual, a copy of which is annexed to this Report, to authorize, empower, and direct us to enquire into the truth of certain written declarations touching the conduct of her royal highness the Princess of Wales, an abstract of which had been laid before your Majesty, and to examine upon oath, such persons as we should see fit touching and concerning the same, and to report to your Majesty the result of such examinations; we have, in dutiful obedience to your Majesty's commands, proceeded to examine the several witnesses, the copies of whose depositions we have hereunto annexed; and in further execution of the said commands, we now most respectfully submit to your Majesty the report of these examinations, as it has appeared to us. But, we beg leave at the same time, humbly to refer your Majesty for more complete information, to the examinations themselves, in order to correct any error of judgment into which we may have unintentionally fallen, with respect to any part of this business. On a reference to the above mentioned Declarations as the necessary foundation of all our proceedings, we found that they consisted in certain statements which have been laid before his royal highness the Prince of Wales, respecting the conduct of her royal highness the Princess of Wales; that these statements not only imputed to her Royal Highness great impropriety, and indecency of behaviour, but expressly asserted, partly on the ground of certain alledged declarations from the Princess's own mouth, and partly on the personal observations of the informants, the following most important facts, viz.—That her Royal Highness had been pregnant in the year 1802, in consequence of an illicit intercourse, and that she had in the same year been secretly delivered of a male child, which child had ever since that period been brought up by her Royal Highness, in her own house, and under her immediate inspection.

These allegations thus made, had, as we found, been followed by declarations from other persons, who had not indeed spoken to the important facts of the pregnancy or delivery of her Royal Highness, but had stated other particulars in themselves extremely suspicious, and still more so when connected with the assertions already mentioned. In the painful situation, in which his Royal Highness was placed by these communications, we learnt that his Royal Highness had adopted the only course, which could, in our judgment, with propriety, be followed, when informations such as these had been thus confidently alleged, and particularly detailed, and had been in some degree supported by collateral evidence, applying to other points of the same nature (though going to a far less extent) one line could only be pursued. Every sentiment of duty to your Majesty, and of concern for the public welfare, required that these particulars should not be withheld from your Majesty, to whom more particularly belonged the cognizance of a matter of state, so nearly touching the honour of your Majesty's royal family, and by possibility affecting the succession of your Majesty's crown. Your Majesty had been pleased on your part to view the subject in the same light. Considering it as a matter which in every respect demanded the most immediate investigation, your Majesty had thought fit to commit into our hands the duty of ascertaining, in the first instance, what degree of credit

their ancient and indisputable right, gentlemen had better go home to their respective counties.

Sir *J. Newport* trusted that the hon. member would exercise the power which was placed in his hands, of moving an adjournment whenever he thought proper; and that he would not be deterred by the threats of any man, however high in authority, from doing his duty. He also

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was due to the informations, and thereby enabling your Majesty to decide what further conduct to adopt concerning them. On this review, therefore, of the matters thus alleged, and of the course hitherto pursued upon them, we deemed it proper, in the first place, to examine those persons in whose declarations the occasion for this enquiry had originated; because, if they, on being examined on oath, had retracted or varied their assertions, all necessity of further investigation might possibly have been precluded. We accordingly first examined on oath the principal informants, sir John Douglas, and Charlotte his wife, who both positively swore, the former to his having observed the fact of the pregnancy of her Royal Highness, and the latter to all the important particulars contained in her former declaration, and above referred to. Their examinations are annexed to this Report, and are circumstantial and positive. The most material of these allegations, into the truth of which we have been directed to enquire, being thus far supported by the oath of the parties from whom they had proceeded, we then felt it to be our duty to follow up the enquiry, by the examination of such other persons as we judged best able to afford us information as to the facts in question. We thought it beyond all doubt, that in the course of enquiry many particulars must be learnt which would be necessarily conclusive on the truth or falsehood of these declarations, so many persons must have been witnesses to the appearance of an actual existing pregnancy; so many circumstances must have been attended upon a real delivery, and difficulties so numerous and insurmountable must have been involved, in any attempt to account for the infant in question, as the child of another woman, if it had been in fact the child of the Princess, that we entertained a full and confident expectation of arriving at complete proof, either in the affirmative or negative, on this part of the subject.

This expectation was not disappointed. We are happy to declare our perfect conviction that there is no foundation whatever for believing that the child now with the Princess of Wales is the child of her Royal Highness, or that she was delivered of any child in the year 1802; nor has any thing appeared to us which would warrant the belief that she was pregnant in that year, or at any other period within the compass of our enquiries. The identity of the child now with the Princess, its parents, age, the place and date of its birth, the time and circumstance of its being first taken under her Royal Highness's protection, are all established by such a concurrence both of positive and circumstantial evidence as can in our judgment leave no question on this part of the subject. That child was, beyond all doubt born in Brownlow-street-hospital, on the 11th day of July, 1802, of the body of Sophia Austin, and was first brought to the Princess's house in the month of November following. Neither should we be more warranted in expressing any doubt respecting the alleged pregnancy of the Princess, as stated in the original declaration, a fact so fully contradicted, and by so many witnesses, to whom, if true, it must in various ways be known, that we cannot think it entitled to the smallest credit. The testimonies on these two points are contained in the annexed depositions and letters. We have not partially abstracted them in this Report, lest by an unintentional omission we might weaken their effect; but we humbly offer to your Majesty this our clear and unanimous judgment upon them, formed upon full deliberation, and pronounced without hesitation, on the result of the whole enquiry. We do not, however, feel ourselves at liberty, much as we should wish it, to close our Report here. Besides the allegation of the pregnancy and delivery of the Princess, those declarations, on the whole of which your Majesty has been pleased to command us to enquire and report, contain, as we have already remarked, other particulars respecting the conduct of her Royal Highness, such, as must, especially considering her exalted rank and station, necessarily give occasion to very unfavourable interpretations. From the various depositions and proofs annexed to this Report, particularly from the examinations of Robert Bidgood, William Cole, Frances Lloyd, and Mrs. Lisle, your

begged leave to remind the House, that when his late right hon. friend (Mr. Fox) was exhausted by his attention to public duties, those very gentlemen who now objected to the question of adjournment had repeated it fourteen or fifteen times in the same night. If the House persisted in excluding strangers from their gallery, the public would consider parliament as a secret tribunal, which sought to shelter itself from public opinion.

Mr. *Yorke* said, in explanation, that the

Majesty will perceive that several strong circumstances of this description have been positively sworn to by witnesses, who cannot, in our judgment, be suspected of any unfavourable bias, and whose veracity, in this respect, we have seen no ground to question.

On the precise bearing and effect of the facts thus appearing, it is not for us to decide: these we submit to your Majesty's wisdom; but we conceive it to be our duty to report on this part of the enquiry, as distinctly as on the former facts, that as on the one hand the facts of pregnancy and delivery are to our minds satisfactorily disproved; so on the other hand we think that the circumstances to which we now refer, particularly those stated to have passed between her Royal Highness and captain Manby, must be credited until they shall receive some decisive contradiction; and if true, are justly entitled to the most serious consideration. We cannot close this Report without humbly assuring your Majesty, that it was on every account our anxious wish to have executed this delicate trust with as little publicity as the nature of the case would possibly allow, and we entreat your Majesty's permission to express our full persuasion, that if this wish has been disappointed, the failure is not imputable to any thing unnecessarily said or done by us; all which is most humbly submitted to your Majesty. *(Signed)*

July 14, 1806. ERSKINE.
SPENCER.
(A true Copy) GRENVILLE.
I. BECKET. ELLENBOROUGH.

MINUTE OF COUNCIL, April 22, 1807.—Present, The Lord Chancellor (Eldon,) the Lord President (Camden,) the Lord Privy Seal (Westmoreland,) the Duke of Portland, the Earl of Chatham, Earl Bathurst, Viscount Castlereagh, Lord Mulgrave, Mr. Secretary Canning, Lord Hawkesbury.

Your Majesty's confidential servants have, in obedience to your Majesty's commands, most attentively considered the original Charges and Report, the Minutes of Evidence, and all the other papers submitted to the consideration of your Majesty, on the subject of those charges against her royal highness the Princess of Wales.

In the stage in which this business is brought under their consideration they do not feel themselves called upon to give any opinion as to the proceeding itself, or to the mode of investigation in which it has been thought proper to conduct it. But adverting to the advice which is stated by his royal highness the Prince of Wales to have directed his conduct, your Majesty's confidential servants are anxious to impress upon your Majesty their conviction, that his Royal Highness could not, under such advice, consistently with his public duty, have done otherwise than lay before your Majesty the Statement and Examination, which were submitted to him upon this subject.

After the most deliberate consideration, however, of the evidence which has been brought before the Commissioners, and of the previous examinations, as well as of the answer and observations which have been submitted to your Majesty upon them, they feel it necessary to declare their decided concurrence in the clear and unanimous opinion of the Commissioners confirmed by that of all your Majesty's late confidential servants, that the two main charges alledged against her royal highness the Princess of Wales, of pregnancy and delivery, are completely disproved, and they further submit to your Majesty their unanimous opinion, that all the other particulars of conduct brought in accusation against her Royal Highness, to which the character of criminality can be ascribed, are either satisfactorily contradicted or rest upon evidence of such a nature, and which was given under such circumstances, as render it, in the judgment of your Majesty's confidential servants, undeserving of credit.

Your Majesty's confidential servants, therefore, concurring in that part of the opinion of your late servants, as stated in their Minute of the 25th January, that there is no longer any necessity for your Majesty being advised to decline receiving the Princess into your royal presence,

reason assigned for moving the question of adjournment was what he complained of, and not the question itself.

Mr. *Canning* said, that he had shewn his disapprobation of the question of adjournment by voting against it, as he should do again if driven to that necessity. He would not decide on the propriety of the motion for clearing the gallery on this occasion, but this he would say, that it was one of those privileges which must be maintained without any qualification, or it would lose its essence altogether. He considered the present

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humbly submit to your Majesty, that it is essentially necessary, in justice to her Royal Highness, and for the honour and interests of your Majesty's illustrious family, that her royal highness the Princess of Wales should be admitted, with as little delay as possible, into your Majesty's royal presence, and that she should be received in a manner due to her rank and station, in your Majesty's court and family.

Your Majesty's confidential servants likewise beg leave to submit to your Majesty, that considering that it may be necessary that your Majesty's government should possess the means of referring to the true state of this transaction, it is of the utmost importance that these documents, demonstrating the ground on which your Majesty has proceeded, should be preserved in safe custody; and that for that purpose the originals, or authentic copies of all these papers, should be sealed up and deposited in the office of your Majesty's principal Secretary of State.

LETTER from the PRINCE of WALES to the PRINCESS of WALES.

MADAM—As lord Cholmondeley informs me that you wish I would define in writing the terms upon which we are to live, I shall endeavour to explain myself upon that head with as much clearness and as much propriety as the nature of the subject will admit. Our inclinations are not in our power, nor should either of us be held answerable to the other, because nature has not made us suitable to each other. Tranquil and comfortable society is, however, in our power.—Let our intercourse, therefore, be restricted to that; and I will distinctly subscribe to the condition which you required through lady Cholmondeley, that even in the event of any accident happening to my daughter, which I trust Providence in its mercy will avert, I shall not infringe the terms of the restriction, by proposing at any period a connection of a more particular nature. I shall now finally close this disagreeable correspondence, trusting that, as we have completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity.—I am, Madam, with great truth, very sincerely yours,

(*Signed*) GEORGE, P.

Windsor Castle, April 30, 1796.

The PRINCESS OF WALES'S Answer.

The avowal of your conversation with lord Cholmondeley, neither surprizes nor offends me. It merely confirmed what you have tacitly insinuated for this twelvemonth. But after this, it would be a want of delicacy, or rather an unworthy meanness in me, were I to complain of those conditions which you impose upon yourself.

I should have returned no answer to your letter, if it had not been conceived in terms to make it doubtful whether this arrangement proceeds from you or from me; and you are aware that the credit of it belongs to you alone.

The letter which you announce to me as the last, obliges me to communicate to the King, as to my sovereign and my father, both your avowal and my answer. You will find inclosed the copy of my letter to the King. I apprize you of it, that I may not incur the slightest reproach of duplicity from you. As I have at this moment no protector but his Majesty, I refer myself solely to him upon this subject; and if my conduct meets his approbation, I shall be, in some degree at least, consoled. I retain every sentiment of gratitude for the situation in which I find myself, as Princess of Wales, enabled by your means to indulge in the free exercise of a virtue dear to my heart—I mean charity.

It will be my duty likewise to act upon another motive—that of giving an example of patience and resignation under every trial.

Do me the justice to believe that I shall never cease to pray for your happiness, and to be—Your much devoted

May 6, 1796. CAROLINE.

The indisposition of the Princess Charlotte commenced previous to the fete at Carlton-house, and afterwards increasing, her Royal Highness was necessarily obliged to defer her return to Windsor. In

motion for adjournment as impolitic, though it was a right which he had often exercised to the manifest impediment of the public business, considering it to be the only arms of a minority against an overwhelming majority. Any attempt to limit the power of clearing the gallery would destroy their independence with the public, and any attempt on the other hand to enter into a disquisition upon the motives or discretion of members, would destroy their independence within themselves.

Mr. *Stewart Wortley* explained his motive in moving an adjournment on a former occasion not to be a wish to have an audience hear his speech.

Lord *Castlereagh* trusted that the House would never be called upon to deliberate on the right of moving the question of adjournment. The mode, however, in which that right had now been exercised, was

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consequence of this, the Princess of Wales, on the 8th of February, addressed herself to lord Liverpool, desiring that he would communicate to the Prince Regent her Royal Highness's intention to visit the Princess Charlotte at Warwick-house, not anticipating the possibility of a prevention on the part of the Prince Regent, under the circumstances of the Princess Charlotte's confinement from illness. Lord Liverpool replied, that he was happy to announce the Princess Charlotte so much better, that her Royal Highness would be able to visit the Princess of Wales at Kensington-palace on the following Thursday, 11th February. On that morning, however, at the moment of the Princess of Wales stepping into her carriage, she received information that Princess Charlotte was refused coming.

Upon this, the Princess of Wales again addressed lord Liverpool to know the reason, none having been assigned, for the Princess Charlotte's being thus suddenly prohibited from giving the meeting to her royal mother, and when and how soon her Royal Highness might expect to see the Princess Charlotte. To this enquiry the Princess of Wales received the following reply from lord Liverpool:

Fife House, Feb. 14, 1813.

Lord Liverpool has the honour to inform your Royal Highness, that in consequence of the publication in The Morning Chronicle of the 10th instant, of a Letter addressed by your Royal Highness to the Prince Regent, his Royal Highness thought fit, by the advice of his confidential servants, to signify his commands that the intended visit of the Princess Charlotte to your Royal Highness on the following day, should not take place.

Lord Liverpool is not enabled to make any further communication to your Royal Highness on the subject of your Royal Highness's note.

To this Letter the Princess of Wales commanded lady Anne Hamilton, her lady in waiting, to reply as follows to lord Liverpool:—

Montague House, Blackheath, Feb. 15, 1813.

Lady Anne Hamilton is commanded by her royal highness the Princess of Wales to represent to lord Liverpool, that the insidious insinuation, respecting the publication of the letter addressed by the Princess of Wales, on the 14th of January, to the Prince Regent, conveyed in his lordship's reply to her Royal Highness, is as void of foundation, and as false as all the former accusations of the traducers of her Royal Highness's honour in the year 1806.

Lady A. Hamilton is further commanded to say, that dignified silence would have been the line of conduct the Princess would have preserved upon such insinuation (more than unbecoming lord Liverpool), did not the effect arising from it operate to deprive her Royal Highness of the sole real happiness she can possess in this world—that of seeing her only child. And the confidential servants of the Prince Regent ought to feel ashamed of their conduct towards the Princess in avowing to her Royal Highness their advice to the Prince Regent, that upon unauthorized and unfounded suppositions a mother and daughter should be prevented from meeting—a prohibition positively against the law of nature.—Lady Anne Hamilton is commanded further to desire lord Liverpool, to lay this paper before the Prince Regent, that his Royal Highness may be aware into what error his confidential servants are leading him, and will involve him, by counselling and signifying such commands.

Here ended the correspondence.

The cabinet meetings and proceedings succeeded almost immediately; but touching the nature, the form, and the object of

different from any on the records of parliament; and he put it to the candour of the hon. gentleman, whether it was proper to press it any further?

Captain *Vyse* observed, that any gentleman who involved the House in this unpleasant dilemma, took the responsibility upon himself. The hon. mover (Mr. C. Johnstone) had withdrawn his motion expressly because the gallery was cleared, and, therefore, he was himself determined that the gallery should be in that state whenever he brought forward his motion.

Mr. *Bennet* rose to inquire whether if he withdrew his motion for an adjournment, the motion for clearing the gallery would be also withdrawn?

Mr. *Osborne* said, that the hon. member had better move at once that the standing order should be rescinded.

Mr. *Whitbread* thought the enforcement of the standing order, in this instance, unseasonable, though he considered that order essential to the independence of the House. It had happened to him to have the gallery cleared in consequence of something that fell from him in debate, but he had not thought it necessary to declare—immediately to declare, that he would speak no more. He would therefore recommend the same line to the hon. gentleman, and either to renew his motion at once, or to move that the Report which he had read should be laid on the table.

Mr. *Cochrane Johnstone* felt anxious to comply with the wishes of the House, and therefore gave notice that he should bring forward his motion to-morrow.

Mr. Cochrane Johnstone having thus refused, under the circumstances in which the House was placed, to bring on his motion, and lord Castlereagh having declined to give any explanation, unless some motion was before the House, or to originate any proceeding himself, the House of course adjourned, there being nothing to occupy its attention.

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those proceedings, the Princess of Wales being left to conjecture, her Royal Highness, on the 27th of February, addressed the subjoined letter to the earl of Harrowby:—

Copy of a LETTER addressed by the Princess of Wales to the Earl of Harrowby.

Feb. 27, 1813.

The Princess of Wales has received reports from various quarters of certain proceedings lately held by his Majesty's privy council, respecting her Royal Highness; and the Princess has felt persuaded that these reports must be unfounded, because she could not believe it possible that any resolution should be taken by that most honourable body in any respect affecting her Royal Highness, upon statements which she has had no opportunity of answering, explaining, or even seeing.

The Princess still trusts, that there is no truth in these rumours; but she feels it due to herself to lose no time in protesting against any resolution affecting her Royal Highness which may be so adopted.

The noble and right hon. persons who are said to have been selected for these proceedings, are too just to decide any thing touching her Royal Highness without affording her an opportunity of laying her case before them. The Princess has not had any power to choose the judges before whom any enquiry may be carried on; but she is perfectly willing to have her whole conduct enquired into by any persons who may be selected by her accusers. The Princess only demands that she may be heard in defence or in explanation of her conduct, if it is attacked; and that she should either be treated as innocent, or proved to be guilty.

Lord Harrowby replied to the effect, that a copy of the Ministers' Report, laid before the Prince Regent, had been transmitted that same evening to the Princess of Wales, by the viscount Sidmouth.

HOUSE OF COMMONS.

Friday, March 5.

BRECKNOCK AND ABERGAVENNY CANAL BILL.] Mr. *Wood* moved the second reading of a Bill for amending a clause in the Brecknock and Abergavenny Canal Act. He stated, that in 1793, an Act passed, authorising the excavation of a Canal, from the town of Brecknock, to Pontypool, in Monmouthshire. By that Act, persons possessed of coal or lime pits, within eight miles of the Canal, were permitted to form rail ways, in any direction, on either side of it without the consent of the proprietors of those lands over which they might pass. Certain individuals were now anxious that this clause might be amended, and the powers granted by it, altered. Although several land owners petitioned

against the clause, as it now stood, yet it was but just to observe, that many others had also petitioned for its continuance; and, indeed, the general impression of the county of Brecknock, which he had the honour to represent, seemed to be in favour of it, as it now stood; and in Radnorshire and Herefordshire, a similar feeling seemed to exist. However unpopular the Bill was, he thought it his duty to bring it forward, that its merits might be properly discussed, which alone could be done in the committee. He did not pledge himself either to support or oppose the Bill, but he thought it should go to the committee, where it could be properly considered. The Canal proprietors said, if the clause were suffered to remain, it would be injurious to their interests and the interests of the public. On the other hand, the land-owners denied the allegation, and contended, that the greater the number of rail roads the more traffic would be carried on through the medium of the Canal. It was, therefore, a matter of calculation, and more particularly called for a committee. Each of the parties accused the other of wishing to preserve a monopoly. For, his own part, he declared, if the Bill went to a committee, and either party made out a case of monopoly against the other, he should conceive it his duty to vote for that party who made good the accusation.

Sir *C. Morgan* opposed the altering a clause in an act which had been passed twelve years ago, and which was not objected to till very recently. He should, therefore, move as an amendment, "That the Bill be read this day six months."

Lord *Robert Seymour* supported the motion. If the Bill were not sent to a committee, he did not know how he and other hon. members would be able to decide on the merits of a measure, on which such contradictory allegations had been made. If the Bill went to a committee, perhaps the clause might be so altered, as to meet the wishes of all parties.

Mr. *Protheroe* opposed the Bill. He observed, that the value of estates in the neighbourhood of the Canal, chiefly depended on the continuance of the clause now about to be interfered with.

Mr. *Harvey* was of opinion that the clause ought to be amended. As it at present stood, a rail-way might be carried through any gentleman's garden, in spite of his representations against such a proceeding. The House, he hoped, would not consider this a proper liberty to be invested in any persons, without some proper controul.

Mr. *Lewis* contended, that no parliamentary grounds had been shewn for bringing in this Bill, and, therefore, it must be opposed on its principle. It was said that this Bill was necessary for the protection of the land-owners in the immediate vicinity of the Canal; but the fact was, they were not the persons who introduced this measure. On the contrary, he had presented a Petition from 100 land-owners, whose estates were likely to be affected by the clause. If therefore, the maxim, 'volenti non fit injuria,' was a just one, the Bill ought not to be permitted to proceed farther. The persons supposed to be injured did not complain; but those, who might be considered the oppressors, were the persons who appeared to be dissatisfied; for the Canal Company, and not the land-owners, were the supporters of the Bill.

Mr. *J. P. Grant* stated, that a Petition from 500 land-owners had been presented in favour of the Bill, and another from 100 land-owners, against it. Where there were such strong allegations on both sides, he thought the Bill ought to go to a committee.

Mr. *T. Foley* expatiated, at some length, on the benefits which would be derived from the act, as it at present stood: 45,000*l.* had been subscribed for making the canal from Brecknock; and those by whom this large sum had been laid down, had no idea of making an advantageous per-centage on it, but were influenced solely with the desire of benefiting the county, by bringing lime and coal (articles which were much wanted) into it, at a cheap rate. By the provisions of the act, they would be enabled to supply the town of Brecknock with coal and lime, from pits within eight miles of it; instead of going, as they must otherwise do, to the distance of 18 miles; the consequence must be, that coal, instead of 12*s.* would be sold at 15*s.* per ton; and lime, at 14*s.* instead of 10*s.* per waggon load. The persons who wished the alteration to be made, called on parliament to strike a clause out of an act they had themselves procured, and desired gentlemen not to open the pits of lime and coal on their own estates. They had, in the first instance, availed themselves of the clause, as far as it could be serviceable to them in their monopoly, and now they would fain interpose to prevent others from receiving

any benefit from it. He could very easily explain how so many land owners were induced to sign petitions in favour of the Bill. The persons who were interested under this eight mile clause, were those who had property on that side of the Canal, where the lime and coal-pits were. They wished the clause to remain as it was; but those land-owners who petitioned for its alteration, possessed property on the opposite side, where there were no pits, and consequently, they were not at all affected by the measure.

The House then divided, when there appeared—for the original motion, "That the Bill be now read a second time," 93; for the Amendment, "That it be read this day six months," 160; majority against the Bill 67.

The Princess of Wales.] Mr. *Lygon* moved, that strangers should not be re-admitted after the division on the Brecon Canal Bill.

Mr. *Bennet* moved an adjournment; first, because he wished it to appear, that when one member exercised an acknowledged right of excluding strangers, another member exercised a right equally undisputed, that of moving an adjournment: and secondly, because he owed it to himself, as a right hon. gentleman (Mr. Yorke) had uttered an indiscreet menace on the preceding evening: he should not however press his motion to a division if contrary to the sense of the House.

The question of adjournment being put was negatived without a division.

Mr. *Cochrane Johnstone* then rose in pursuance of his notice, and said, that it was the undoubted right of the hon. member (Mr. Lygon) to act as he had done, in clearing the House of strangers: if, however, this precaution had been taken under the impression that any thing he had to say would be unbecoming the respect he owed to that House, or inconsistent with what was due to the feelings of every branch of the royal family, such apprehensions were utterly unfounded. He thought it a duty he owed, in the first instance, to the Princess of Wales, to declare, that for the motion he was about to submit, he had no authority from her, he had had no communication with any person or persons whatsoever, and that the proceeding originated entirely and exclusively with himself. He had had no communication with the Princess of Wales, further than to send her a copy of the Resolutions, as he had done to the ministers—he had consulted no one—he did not even know that there was a member in the House who would second his motion.

The hon. member proceeded to observe, that it was well known that a Commission had been granted by the King in 1806 to four noble lords, Grenville, Spencer, Erskine, and Ellenborough, to examine into certain allegations that had been preferred against the Princess of Wales. He then read, the whole of the Report made by the Commissioners above stated, containing the most unqualified opinion, that the charge produced by sir John and lady Douglas, against the Princess of Wales, of having been delivered of a child in the year 1802, was utterly destitute of truth. It added, that the birth and real mother of the child, said to have been born of the Princess, had been proved beyond all possibility of doubt. The Report concluded with some objections made by the Commissioners, to the manners, or to levity of manners, upon different occasions, in the Princess.

The hon. member next proceeded to state, that the paper he should now read was a document which he was ready to prove at the bar of the House, was dictated by lord Eldon, Mr. Perceval, and sir Thomas Plomer, though signed by the Princess of Wales; it was a letter written, or purporting to be written, by her Royal Highness to the King, on the 9th of October, 1806, as a Protest against the Report of the Commissioners, just detailed; the letter being read at length appeared to be a formal and elaborate criticism upon the nature of the commission under which her conduct had been reviewed; it asserted in the most unqualified terms her own innocence, and called the charges of her accusers a foul conspiracy, made *ex-parte*, and affording no appeal. In this letter, the Princess of Wales threw herself and the honour of her family on the justice of the King—her honour, and her life being at the mercy of the malice and foul perjuries of her accusers—she complained of the *ex-parte* recrimination, and of the manner and way in which the charges were credited. After some interval of painful suspence, and hearing from various and anonymous letters, that an accusation was preferred against her—the duke of Kent announced to her Royal Highness the near approach of two attornies to take away, by a warrant, half of her family, in order to examine them as evidence on the

charge—the only request she made was to request the duke of Kent to remain in the room with her till her servants were gone, for fear she should be suspected of holding any conversation with them. Upon this letter being read, the hon. member observed, that he fully concurred in the sentiments it expressed upon the subject of the commission, and he insisted that the charge against the Princess before that tribunal, by sir John and lady Douglas, was nothing short of treason; that if the Commissioners had power to acquit her Royal Highness of the crime charged, they had equally the power to convict her; what was the state of that country in which such a thing were even possible? He declared, that in his opinion the noble lords had no authority to give a judgment on the occasion—they had no right to pronounce an acquittal, for they had no right to find a verdict of guilty—as a question of law, the matter was left as the Commissioners found it. Besides, he inquired what became of sir John and lady Douglas? If he was rightly informed, they still persisted in the same story, but if all they maintained were so notoriously false, why were they not prosecuted? The hon. member went on to remark, that he understood no proceedings of the late privy council, except the Report, had been transmitted to the Princess of Wales. This was the case in 1806, but he submitted that copies of all those examinations should be given to her. As to the minor charges, he should be silent about them—it was the duty of ministers to transmit to the Princess of Wales the fresh informations they had taken.—He recommended the case to be tried by the whole privy council, and that the present ministers should not be of the number;—after the discussion that the Princess had provoked, if she should then be injured, she would have herself alone to blame. The hon. member concluded by moving the following Resolutions:

Resolved, I. "That from disputes touching the succession to the throne, bitter public animosities, tumultuous contentions, long and bloody civil wars, have, at various periods of the history of this kingdom, arisen, causing great misery to the good people thereof, grief and affliction to the royal family, and, in some cases, exclusion of the rightful heir.

"That, therefore, loyalty and affection towards the sovereign, and a just regard to the happiness of the people, call upon every subject of this realm, and upon this House more especially, to neglect nothing within their power to prevent the recurrence of similar calamities from a similar cause.

"That it has been stated to this House, by a member thereof, who has offered to prove the same by witnesses, at the bar of this House, that, in the year 1806, a Commission was signed under his Majesty's royal sign manual, authorizing and directing the then Lord Chancellor (Erskine), earl Spencer (the then Secretary of State for the Home Department), lord Grenville (the then First Lord of the Treasury), and the then and present Lord Chief Justice (Ellenborough), to inquire into the truths of certain written declarations, communicated to his Majesty by his royal highness the Prince of Wales, touching the conduct of her royal highness the Princess of Wales.

"That the said Commissioners, in pursuance of the said authority and direction, did enter into an examination of several witnesses, and that they delivered to his Majesty a Report of such examination, and also of their judgment on the several parts alledged against her Royal Highness; which Report, signed by the four Commissioners aforesaid, and dated on the 14th of July, 1806, was accompanied with copies of declarations, examinations, depositions, and other documents on which it was founded.

"That it has been stated to this House, in manner aforesaid, that the said written accusations against her Royal Highness expressly asserted, 'That her Royal Highness had been pregnant in the year 1802, in consequence of an illicit intercourse, and that she had in the same year been secretly delivered of a male child, which child had ever since that period been brought up by her Royal Highness in her own house, and under her immediate inspection.'

"That the Report farther stated, that the Commissioners first examined on oath the principal informants, sir John Douglas, and Charlotte, his wife, who both particularly swore, the former to his having observed the fact of the pregnancy of her Royal Highness, and the other to all the important particulars contained in former declarations, and before referred to, and that the Report added, 'that the examinations are annexed to the Report, and are circumstantial and positive.'

"That the Commissioners, after the

above statements, proceeded in their said Report to state to his Majesty that they thought it their duty to examine other witnesses as to the facts in question, and that they stated, as the result of such farther examination, 'their perfect conviction that there is no foundation whatever for believing that the child now with the Princess is the child of her Royal Highness, or that she was delivered of any child in 1802, or that she was pregnant in that year,' and that the Commissioners added, 'That this was their clear and unanimous judgment, formed upon full deliberation and pronounced without hesitation, on the result of the whole inquiry.'

"That the noble lords composing the Commission aforesaid had not, and could not, in that capacity, have any legal power to pronounce a judgment or decision in the case, that the matter of charge submitted to them as a subject of inquiry, amounted to a charge of high treason, a crime known to the laws, and therefore liable only in a known court of justice; that if, as justices of the peace (a character belonging to them as privy counsellors) they were competent to receive informations and take examinations regarding the conduct of her Royal Highness, they had no legal power in that capacity or in any other capacity that could be given to them, to pronounce an acquittal or a condemnation upon the charge referred to them; for that to admit them to have been competent to acquit, is to admit them competent to have found guilty, and this would be to admit their competence to have sent her Royal Highness to an ignominious death in virtue of a decision founded on selected *ex-parte* evidence taken before a secret tribunal.

"That the whole Report as it relates to the judgment of the Commissioners (if the making of it be not an unlawful act,) is at least of no legal validity, and, in the eye of the law, leaves the question of the guilt or innocence of her Royal Highness where the Commissioners first found it; that the depositions and examinations upon oath (supposing the Commissioners to have taken them in their capacity as justices of the peace) possess a legal character; but that no legal decision has been made upon any of the important facts stated in these depositions and examinations, and that it has not yet been legally decided that the fact positively sworn to, of her Royal Highness having been delivered of a male child in the year 1802, is not true.

"That in any claim to the succession to the throne, which, by possibility, at least, may hereafter be set up, by any aspiring personage possessed of great power, the circumstantial and positive evidence of sir John Douglas, and of Charlotte, his wife, if again called for, would still retain all its legal character and weight, while it might happen, that the evidence on the other side might, from death or other causes, be found deficient; and that there can be no doubt that if it should hereafter be made to appear that the facts sworn to by lady Douglas are true, and if the identity of the male child so born should be proved, he would be the legal heir to the throne, notwithstanding any assertions, or any proofs, relating to the alleged illicit intercourse of her royal highness the Princess of Wales.

"That therefore the honour of her royal highness the Princess of Wales, the sacred right of the Princess Charlotte of Wales, the safety of the throne, and the tranquillity of the country, do all unite, in most imperious call on this House, to institute now, while the witnesses on both sides are still living, and while all the charges are capable of being clearly established, or clearly disproved, an ample and impartial investigation of all the allegations, facts, and circumstances appertaining to this most important subject of inquiry.

"Resolved, II. That an humble Address be presented to his royal highness the Prince Regent, requesting that his Royal Highness will be graciously pleased to order, that a copy of a Report made to his Majesty on the 14th day of July, 1806, by the then Lord Chancellor Erskine, earl Spencer, lord Grenville, and Lord Chief Justice Ellenborough, touching the conduct of her royal highness the Princess of Wales, be laid before the House, together with the copies of the following written documents, annexed to the said Report, namely,

"The Narrative of his royal highness the Duke of Kent, dated the 27th of December, 1805.—Two written Declarations, or Examinations, of Sarah Lampert; one dated Cheltenham, 8th of January, 1806, and the other the 29th of March, 1806.—One of Mr. Lampert, baker, Cheltenham, same date with the last.—Four of William Cole, dated 11th Jan 14th Jan. 30th Jan. and 23d February, 1806.—One of Robert Bidgood, dated Temple, 4th April, 1806.—One of Sarah Bidgood, dated Temple, 23d April, 1806.—One of Frances Lloyd,

dated Temple, 12th May, 1806.—The King's Warrant for holding the Commission, dated the 29th May, 1806.—Deposition of lady Douglas, dated the 1st June, 1806.—Deposition of sir John Douglas, dated 1st June, 1806.—Deposition of Robert Bidgood, dated 6th June, 1806.—Deposition of William Cole, dated 6th of June, 1806.—Deposition of Frances Lloyd, dated 7th of June, 1806.—Deposition of Mary Wilson, dated 7th June, 1806.—Deposition of Samuel Roberts, dated 7th June, 1806.—Deposition of Tho. Stikeman, dated 7th June, 1806.—Deposition of J. Picard, dated 7th of June, 1806.—Deposition of Sophia Austin, dated 7th June, 1806.—Letter from lord Spencer to lord Gwydir, 20th June, 1806.—Letter from lord Gwydir to lord Spencer, 20th June, 1806.—Letter from lady Willoughby to lord Spencer, 21st June, 1806.—Extracts from the Register from Brownlow-street hospital, dated 23d June, 1806.—Deposition of Elizabeth Gosden, dated 23d June, 1806.—Deposition of Betty Townley, dated 25th June, 1806.—Deposition of Thomas Edmeades, dated 25th June, 1806.—Deposition of Samuel G. Mills, dated 25th June, 1806.—Deposition of Harriet Fitzgerald, dated 27th June, 1806.—Letter from lord Spencer to lord Gwydir, dated 1st July, 1806.—Letter from lord Gwydir to lord Spencer, dated 3d July, 1806.—Query to lady Willoughby, and Answer, dated 3d July, 1806.—Farther depositions of Robert Bidgood, dated 3d July, 1806.—Deposition of sir Francis Millman, dated 3d July, 1806.—Deposition of Mrs. Lisle, dated 3d July, 1806.—Letter from sir Francis Millman to the Lord Chancellor, dated 4th July, 1806.—Deposition of lord Cholmondeley, dated 6th July, 1806."

Mr. *John Wharton* seconded the motion.

Lord *Castlereagh* rose and said, he felt that he should act most consistently with his duty in confining himself to explanation, with respect to parts of the hon. member's speech, which would tend to guard the House against those false impressions which that speech might otherwise excite. The mode of proceeding adopted by the hon. member was somewhat singular. His first Resolution was, in fact, even in his own view of it, without any proof. His second Resolution called for those very papers, as matters of information on which his first Resolution was founded; as if they were matters of certain knowledge. He did not mean to urge it in the way of cavil against the proceeding, but surely if there were any grounds for the Resolutions, the second should have been the preliminary one, as the first, in its order, could by no possibility be adopted by the House. The only object of the information called for seemed to be to persuade the House, that such serious doubts existed as to the succession to the throne, as required the interference of parliament. He should not enter into any detailed enquiry as to the legality of the privy council acting as a tribunal in their proceedings on this subject; but he would state, that he was perfectly satisfied, that they were fully competent to enquire, whether there were, or were not, sufficient grounds of charge for putting the Princess of Wales on her defence. The present motion, however, did not go to the extent of settling the question, whether any such proceedings were, or were not, necessary. But he must say, that if the Commissioners were not competent to decide upon the charges against her Royal Highness of being pregnant in the year 1802, the House of Commons was certainly not the proper tribunal for deciding on such a question. If, on the other hand, no actual criminality was imputed to her Royal Highness, that House was equally an improper tribunal for deciding on that question. If, again, every shade in the conduct of the Princess of Wales, from the highest degree of guilt, down to the lowest levity, were to be considered, that House was not, certainly, the place where such matters should be discussed. He must also observe, that if any unfortunate disputes existed between any branches of the royal family, any discussion in the House of Commons could serve only to augment the evil, and widen the breach. The only solid practical ground, therefore, on which parliament could proceed, would be, that doubts attached to the succession to the crown. But in the present case there was not the smallest doubt entertained upon that subject. The Commissioners in 1806, from their known character and high legal qualifications, were certainly fit persons to decide upon that question; and they had decided, and no doubts remained on their minds that required the necessity of parliamentary interposition. They did not make a comparative enquiry into the weight of the evidence of lady Douglas, as compared with, or contrasted to, that of other witnesses; but they decided, that they had

traced the whole history of the child so completely and satisfactorily, that no possible doubt could remain that it was not born of the Princess of Wales, but of another woman, named Sophia Austin. Nor, indeed, did this decision rest only on their Report, for it was afterwards referred to other confidential servants of his Majesty, who gave a solemn judgment, confirming the Report of the first commissioners. The supposed doubt respecting the succession, was, therefore, rebutted by the authority of the commissioners of the first cabinet; and also by that of the subsequent cabinet, to whom the matter was referred, and who confirmed the judgment. If any doubt found its way into the mind of parliament, he would not deny, in the abstract, that no case might exist, as to the question of succession, which it might be the duty of parliament to examine; but would the hon. gentleman say, that after all those authorities which he had stated, it would be rational for parliament to interfere? Would not such interference rather serve to originate doubts, where no doubts existed; and give countenance to suspicions, contrary to the repeated declarations of all parties, that no case whatever had been made out, to require any such interference on the part of parliament? The hon. gentleman himself had made his statement in such a manner as to shew that he entertained no doubt upon the subject; yet when neither he, nor any other member, had any doubt respecting the legitimacy of the succession, he called upon parliament to legislate. It was perfectly true that there had been no prosecution entered into of lady Douglas; her evidence was taken by the commissioners in the discharge of their duty; and the hon. gentleman should have stated in candour, that the first cabinet recommended that no proceeding should be had, unless the crown lawyers deemed it advisable to prosecute lady Douglas for perjury. A case was laid before them; and though they were satisfied as to the perjury, they nevertheless saw difficulties in the way of establishing it by legal evidence, and, therefore, they did not advise prosecution. If he were so disposed, he might use some grounds of personal complaint against the hon. member, for he had transgressed the rules of his parliamentary duty, in stating that Mr. Perceval had prevailed upon the cabinet to espouse the cause of the Princess of Wales. The cabinet had acted deliberately and conscientiously in the business, and had advised that there were no reasons why her Royal Highness should not be admitted to the presence of the sovereign, agreeably to the recommendation of the former cabinet, with whom, indeed, it had originated. The hon. member had stated, with a marked emphasis, that lady Douglas's evidence was given by command of his royal highness the Prince Regent. In this matter, the Prince Regent followed the advice of lord Thurlow, which was to have the evidence reduced to writing, for the purpose of submitting it to legal consideration. Then his Royal Highness felt it to be his duty to communicate the charges to his royal father, with whom, and with whose cabinet, and not with his Royal Highness himself, the whole affair had from that time remained. He could really see no necessity for pursuing the subject of this discussion any further. It could not be properly brought forward, except on the presumption that some doubts existed relative to the succession to the crown; and he trusted, that in what he had said, he had convinced the House that no such doubts did exist. Calling for further information, if agreed to, would only be the means of gratifying public curiosity, by making parliament the instrument of procuring that gratification, that taste for calumny, which was so much the rage at the present moment. He should trust to the indulgence of the House, to explain in reply, in case other circumstances were touched upon, which might render farther explanations necessary; and he hoped that the House would not tolerate suspicions or doubts, where none whatever existed, by adopting the motion of the hon. gentleman.

Sir *Samuel Romilly* said, that if the motion had been merely for a production of papers, he should not have taken any part in the debate, for there were circumstances which would make it extremely improper in him to state any opinion upon the conduct of her royal highness the Princess of Wales, but the motion conveyed a strong censure on the proceedings which took place in 1806, and, knowing what he did of those proceedings, he could not in justice to the persons concerned in them remain silent. He believed that no impartial man who was acquainted with the manner in which that Inquiry was instituted, and the mode in which it was conducted, could think that any blame was imputable to those concerned in it.

In November, 1805, he received the commands of the Prince of Wales to attend him at Carlton House, and his Royal Highness upon that occasion informed him, that he was desirous of consulting him on a matter of great importance to himself (the Prince) to his family, and to the state; that it was by the advice of lord Thurlow that his Royal Highness had selected him to advise with; and his Royal Highness, either said in express words, or conveyed by what he said, the impression that what had principally determined that he (sir S. Romilly) should be advised with, was that he was not connected in any manner with the Prince, and that he was wholly unconnected with politics. His Royal Highness then stated the information which he had received respecting the conduct of the Princess of Wales, and the manner in which it had been communicated to him, and told him (sir S. Romilly) that the information should be put into writing, and delivered to him, in order that he might give his opinion and advice upon it.

Soon afterwards the written information, with certain other documents, were put into his hands: he considered them with all the attention and anxiety which their great importance demanded, and in a letter which he addressed to his Royal Highness, he stated the impression which they had made on him, with his reasons, at considerable length. After this, he knew that the Prince had caused means to be taken to ascertain, as far as was possible, the truth or falshood of the statement which had been made to him, and those means were, as he believed, adopted at the suggestion of lord Thurlow.

While those matters were depending, Mr. Pitt died, and in consequence of his death a total change took place in the administration. In that change he was appointed Solicitor General, and some time afterwards he again saw the Prince on the subject of the Princess's conduct, and by his Royal Highness's command waited on lord Thurlow, who told him that he thought the information much too important to remain without any step being taken on it; that it ought to be communicated to the ministers; and that in his opinion it had already remained too long in the Prince's possession unproceeded on. On the same day he delivered this message to the Prince, and immediately, or very shortly after, the matter was communicated to some of the ministers, and his Majesty was pleased, under his sign manual, to authorise the four privy counsellors who have been named, to enquire into the truth of the representations which had been made, and report their opinion on them. Several meetings then took place for the examination of the witnesses, at which no person was present besides the four Commissioners and himself, and the only office he had to discharge was to write down the depositions of the witnesses, and read them over to them before they were signed. For this office he was selected in preference to the then Attorney-General, or to any other person, merely because he was already acquainted with the case, and it was advisable, if it should not be therefore necessary to institute any judicial or legislative proceeding, that as much secrecy as possible should be observed.

Having been present at all the examinations (except on one day, when by accident he did not receive the notice), he would say from his own observations that they were conducted with all the impartiality of judges acting under the sacred obligations of an oath. Of the Report which they made, it would be highly improper for him to say any thing; he could not state any opinions without adverting to the facts, which, considering the manner in which he had become acquainted with them, it was his duty not to publish. Some observations had been made on the opinion afterwards given by the then Attorney and Solicitor General. Of that opinion he would only say, that if they did not recommend a prosecution against any of the witnesses, it certainly was not from any doubt that they entertained of the authority of the Commissioners to administer an oath, or of the legality of the commission under which they acted.

Doubt, however, had been suggested by the hon. gentleman upon its legality, and in the Letter which the Princess of Wales addressed to the King in 1806, and which the hon. gentleman ascribed to lord Eldon, Mr. Perceval, and the present Attorney General, the legality of all the proceedings are called in question. That the letter was written by those persons he never would believe till he heard it from unquestionable authority. It bore the strongest internal evidence that it could not have had the sanction of such persons.

The objection, indeed, seemed to turn merely upon the forms observed with respect to the instrument giving the authority, and yet it was surely impossible to

doubt, that upon a representation of misconduct in a member of the royal family, involving besides a charge of high treason, and presenting the danger of a disputed succession, the King's verbal authority to a number of privy counsellors was sufficient. The letter complains that the ordinary modes of inquiry were not resorted to, as if ministers ought immediately, without endeavouring to investigate the truth of the charges, to have caused a bill of indictment to be preferred to a grand jury, and to kindle a flame in the kingdom upon a charge of such importance, when possibly there might be no real foundation for it.

The slightest knowledge of our history was sufficient, to leave no doubt upon the constant recourse had to such inquiries. From the time of sir John Fenwick, to go no earlier, to the trials of Mr. Horne Tooke and Mr. Hardy, certain members of the privy council had, upon a charge of treason, or treasonable practices, always inquired into the truth of the charges, before any judicial proceeding was instituted. The legality of such proceedings was indeed recorded by the whole legislature. In the act passed on occasion of Mr. Harley's life having been attempted while he was sitting as a privy counsellor upon such an inquiry, the act states that it was while he was in discharge of his duty; but it should seem according to this objection, that it should have been stated that he was acting illegally and in violation of his duty. That this committee of the privy council consisted only of four persons, could afford no objection; no one would pretend, that by law a larger number was necessary.

It had been said, that if they could acquit they must have had a right to condemn, as if an ex-parte examination was not sufficient in all cases to justify an acquittal, and as if it could in any case warrant a condemnation. When Margaret Nicholson was seized in a treasonable attempt on the King's life, and when, upon its being ascertained upon an inquiry before a committee of the privy council, that she was disordered in her mind, and in consequence of which she was never brought to trial, did any person ever question the legality of the proceeding? Surely, the objection could never have been seriously entertained, and never could have been made but to answer the most factious purposes. The proceeding of 1806 was entirely an ex-parte proceeding, and upon that alone no person could be convicted of any offence, whatever might be the evidence on which it had proceeded. He understood that it had been treated by the Commissioners themselves as an ex-parte proceeding, and that they had suggested that a copy of it should be delivered to the Princess of Wales, in order to afford her Royal Highness an opportunity of producing other evidence, if she should desire it. These matters with respect to the form of the proceedings he had thought it his duty to state, and he thought it as much his duty not to say any thing upon the merits of the case.

Mr. *Whitbread* observed, that the hon. member who had brought forward the present motion had stated his intention to him, and he had told him, that he thought his first Resolution conld not be adopted. He therefore, did not rise in support of it, for he concurred in much that had fallen from the noble lord opposite; and thought that, at this period at least, no such motion could be entertained by the House, as might render it the vehicle of communicating to the public at large, those matters which it was much better should be suppressed. He must, however, remind the noble lord of his expression of his readiness to make explanations, particularly with respect to the more recent parts of these transactions.

If the House dismissed this subject without any further explanations or proceedings, the Princess of Wales would, in his mind, be grossly injured. Her Royal Highness complained to the House, of vague and ambiguous blame thrown upon her, and demanded explanation at least. By the common uncontradicted rumour, it appeared, that she had addressed a letter to the King, impeaching the proceedings of the four noble lords who were the Commissioners in 1806; and it should be remarked, that in so doing, she was understood to be acting under the advice of Mr. Perceval. Lord Eldon, it was also stated, approved of that letter. The same was said of sir T. Plumer, now his Majesty's Attorney-General, who, being present, could contradict the assertion, if it were untrue. He wished to know from the noble lord opposite, whether, with the privity and knowledge of those persons, and for the purpose of making her Royal Highness's innocence manifest to the world, a work was not printed, intended to be published, and circulated not only throughout England but Europe? When

the noble lord talked of an appetite for slander and calumny, was he not aware that the newspapers had lately teemed with paragraphs and extracts, the tendency of which was to libel the Princess of Wales? Was not the public mind in a state of agitation on the subject, which it was highly expedient to allay? Nobody doubted that lady Douglas was a perjured person; but though that was not doubted, she still remained a competent witness; and, therefore, one check ought to be put to the propagation of ambiguous reports.

It appears that her Royal Highness, finding the intercourse between her and the young Princess was restricted more and more, addressed a letter to the Prince Regent, which was twice returned unopened. At length, it seems, it was read to his Royal Highness, and the cold answer returned was, that ministers had received no commands on the subject. That letter at last found its way into the public prints; and then his Royal Highness, not as the head of his family, but as Prince Regent, by the advice of ministers, summoned a privy council to consult what he should do: and the extraordinary advice of this privy council to his Royal Highness was, not to refer to the present conduct of the Princess of Wales, but to the evidence of 1806, and for such conduct she was to be punished, and not for any thing done by her in 1807, 1808, 1809, or any subsequent year.

'Then,' (exclaimed Mr. W.) 'under what circumstances stand their famous proceedings of 1806, for which alone her Royal Highness is to be punished? All the witnesses against her perjured and blasted! Yet at this moment sir John Douglas is in the service of one of the royal family. All the witnesses declared infamous, the evidence is declared unworthy of credit, when applied to the principal charge, and yet the same evidence is to be considered good when applied to levity of manners. It was considered as not sufficient to deprive her Royal Highness of the honours of her rank, of access to the King, of society with the Princesses, yet it is now to be raked up again to remove her from her child? It is so admitted by the noble lord, and yet he and lord Eldon mix up this old hash of evidence as the only testimony that could be found to affect the Princess of Wales. But, was not this famous evidence of 1806 laid before the Prince's legal advisers, Mr. Adam, Mr. Garrow, and Mr. Jekyll? I should be glad to know how the last insidious paragraph of that opinion came before the public? Whether it was not so made public from authority? Again; had not the cabinet of 1807, all the evidence given in 1806, before it, and the legal opinion of the Prince's lawyers I just referred to into the bargain, when their verdict of unqualified acquittal was given? From this verdict they now seem to shrink, because the evidence is stale and forgotten.'

Mr. Whitbread then read the Minute of Council of 1807; it was signed by lords Castlereagh and Eldon, and doubted the legality of the commission that sat upon the council in 1806. Yet, (added the hon. gentleman) those noble lords who in 1807 doubt the legality of the proceedings of 1806, now go back to those same proceedings of 1806, as their only guide.' [He then read that part of the minute of 1807, that not only entirely acquits the Princess of Wales of every charge of criminality brought against her by the Douglasses, but exculpates her likewise from every hint of unguarded levity attributed to her by the Commissioners in 1806.] 'Do then,' said Mr. Whitbread, 'Do lord Castlereagh or lord Eldon, mean to escape from their words?' There never was a verdict of Not Guilty like this. The Princess of Wales threatened a publication of her case drawn up by Mr. Perceval, lord Eldon, and sir Thomas Plumer, if she was not received at court; this they advised her to do. But the publication was delayed till lord Eldon and Mr. Perceval kissed hands; what could have been the feelings of lord Eldon and Mr. Perceval when they advised the publication, but that she was innocent—immaculate? So much for the candour, fairness, and liberality of those by whose verdict the Princess of Wales is now to be tried. Did lord Eldon, or any other conscientious and doubting judge reserve to himself a mode of escape by the specialty of the charge? Do they purpose to say that there was any other meaning to the word innocent? When is a verdict to stand good? No counsel, no witnesses, no examination in her favor—and yet the verdict pronounced by these very persons is Not Guilty.

Will it, then, be permitted to any one; will it be endured, will it be allowed to Englishmen, to rake up this evidence again, and upon this evidence to condemn, to defame, to punish? Let, then, the House and the country recollect the verdict of 1807, and the report of 1813;

and then recollect that the privy council was sent back to the period of 1806. Can they suppose the Princess can submit to these imputations? If Mr. Perceval had been alive he would not have suffered this; but Mr. Perceval is dead—and her former defenders mute. Is it to be permitted to go back to evidence given before this sentence of acquittal, and to pronounce a new verdict of guilty? Was ever woman so triumphant? Let the public recollect, that no one act has passed since 1807, that the active breath of slander has dared to bring against the Princess of Wales.

The hon. member then read the late Report, and proceeded to observe, that the noble lord had tauntingly asserted that the Princess of Wales had, doubtless, some legal adviser, or some friends within those walls, who would be found to advocate her cause. It had been so. She had a powerful legal adviser in that House in the late Mr. Perceval. Many, too, of the most able men in the country, in the House and out of it, had been her friends and advisers; among them he could name lord Eldon, and sir Thomas Plumer. It was due to the memory of Mr. Perceval, to state, that to his dying day he always publicly proclaimed the innocence of the Princess, but as for her other surviving friends they were mute. No doubt, the Princess had her legal adviser, one who would never shrink from the responsibility of the duties of his situation, or disown his being such adviser, to him who had any right to question him. For himself, in performing what he did, he would not call himself the friend of the Princess of Wales, but the friend of justice.

Her Royal Highness ought not to be the only person in this country, so famed for its humanity, without a friend, or a legal adviser. What resource was left to her but an appeal to the justice of parliament? Her Royal Highness's Letter was nothing more than the appeal of a mother for the company of her child, and he would not assent to the character of a contrary nature which had been given to it. As to her Letter to parliament, he thought the Speaker highly praise-worthy for having laid it before the House, and was at a loss to know on what ground the Speaker of the other House declined to do the same. That Letter was the Petition of an injured woman, the first subject in the land: it was a petition of a kind of which we had some example in the earlier days of our history, when a brutal tyrant wished to get rid of a consort of whom he was tired. Her Royal Highness's appeal, though not perhaps in words, was in substance the same as that of the persecuted Anna Boleyn: "Let me receive an open "trial, for my truth shall fear no open "shame."* The Speaker of the House of Lords had twice returned her Letter, as we hear, unopened. "You, Sir, (addressing the Speaker) have, with great propriety, submitted the Letter which you received to our consideration. Suppose you had refused to present her petition! It might have happened, Sir, that nobody else would have presented it. The hon. gentleman, who is the mover of this question, once gave me a petition, which he told me 135 members had refused to present. This might have been the situation of the Princess of Wales." Mr. W. then moved as an Amendment to the motion, that an Address be presented to the Prince Regent, praying that a copy of the Report to which her Royal Highness had referred, be laid before the House.

Lord *Castlereagh* was particularly glad that he had reserved himself as to the Letter of her royal highness the Princess of Wales, till he had heard what had fallen from the hon. gentleman. He repelled with great indignation the charge of that hon. gentleman, that the duke of Portland's cabinet had been prevailed upon by Mr. Perceval to take the part of her Royal Highness. The fact was, that Mr. Perceval having been then out of office, was professionally concerned for the Princess; he had with that delicacy and honour which were peculiar to him, declined to take any part whatever in that proceeding. The hon. gentleman had also suppressed another fact of importance, and of which the documents must have informed him, in a manner not consistent with candour; namely, that the Report of the four commissioners had been submitted to lord Grenville's cabinet, who had come to a Resolution, of which the minute of the duke of Portland's cabinet was little, if at all, more than a confirmation. The noble lord would not enter into details, which it was inconsistent with his duty to explain, but he most confidently denied the charge of inconsistency that had been made against himself and his colleagues. The last commission was not to inquire into

* See Howell's State Trials, vol. 1, p. 427.

and try over again her Royal Highness's conduct, which had been cleared by the former cabinets; it was to advise the Prince Regent on a particular point, on which his Royal Highness condescended to ask the opinion of his privy council; advice to that point they gave—advice that he should be always prepared to defend; but nothing could be more unjust than to impute any inconsistency to those who recommended so obvious, and he would add, necessary a measure.—He now came to consider the Princess's Letter, which had been so eulogized by the hon. gentleman; of that Letter he should speak his mind freely, and in doing so, should consider it as the production of indiscreet advisers, to which her Royal Highness had been unfortunately induced to attach her name. This Letter, taken altogether, with its several statements, hints, and innuendos, he could not but consider as a manifesto questioning his royal highness the Prince Regent's conduct with regard to his daughter. It was a Letter calculated to involve the young Princess in these feuds, and to sow division and jealousy between the child and the father. The hon. gentleman had called this letter nothing but a maternal appeal against increased restrictions of the intercourse between the mother and her royal daughter; it was not so, it was not such an appeal, it was an inflamed statement of all the topics of grievance that could be raked together with a view of effecting the object of her Royal Highness's advisers. There were no additional restrictions imposed at this period that could have warranted this letter. The Princess Charlotte was still as before permitted to see her mother once a week, when she was in town; but when she was removed to Windsor, it was found inconvenient, and injurious to her education, that a journey to London should occupy three days out of every six; it was therefore determined, that her Royal Highness, during the period of her residence at Windsor, should visit London and her royal mother but once a fortnight; but it never, that the noble lord had heard, was intended to continue this restriction beyond the residence at Windsor, and when the Princess Charlotte should have returned to town, all would have gone on as before. Was this, he would ask, a restriction of such injury and oppression as to call for this accusatory letter? This was the whole of what had been magnified into a great infliction of punishment and inference of guilt, and he was sure the House would see it as he did, to be a matter in no ways sufficient to justify the Letter of her Royal Highness. In respect to the conduct of the Prince, he did all that lay in his power to secure sound advice. He called in all the heads of the law, and the church, to advise merely to one point, what restraints should be placed on the intercourse between the Princess and her daughter. There never was a stronger imputation cast on any one than was cast on the Prince by the legal advisers of the letter of the Princess—it was an appeal to the country against their prince, and an appeal to the child against her parent. But of all the paragraphs of the Letter, that which related to the canting paragraph about the confirmation, was the most reprehensible; for if her Royal Highness had ever spoken to the bishop of Salisbury, the tutor of the Princess, on the subject, with a wish on her part to have the ceremony performed, he could have told her that it was his Majesty's express wish it should not take place till the Princess had attained her 18th year. The country, he was sure, would feel that the Prince had discharged his duty; and that his consultation with the council on the education of his child was a proof of his love of his people, and that he had shewn an anxious desire to exercise the prerogative of educating his daughter, with a just sense of its great importance. It was not by any means just to infer that any criminality was imputed to the Princess, for the separation alone was sufficient to justify the restraints, and they ought to be considered merely as matter of regulation arising out of the unfortunate circumstance of the separation. He would maintain that the hon. member had not laid any parliamentary grounds for his Amendment, not having shewn what course of proceedings he would adopt, if the Report was laid on the table, and therefore he should oppose his motion.

Sir *Thomas Plumer* being alluded to personally, felt himself called on to make a few observations: he did not know whether he was called on to defend himself against a charge for having been an adviser of the Princess, or for having given his advice, or for not being any longer her adviser. As to the first point, he had to say, that he was commanded, in 1806, to attend her Royal Highness at Blackheath, to assist in defending her from the charge at that time made against her. Did he do wrong in not withholding that advice?

As to the second point, was it expected he should tell what advice he had given? He did not think he ought to be called on to stand there as a defendant; and he certainly should not act very professionally if he had disclosed what advice he had given. He had, however, the consolation of being able to say, that his opinion was in complete unison with that of Mr. Perceval, who was not at that time in the cabinet, or in any political situation. He also had the consolation to say, that his advice had been successful in defending her Royal Highness against the charge then meditated against her. He would not, however, be then tempted to communicate what that advice was. He agreed with what had been publicly stated by Mr. Perceval, that throughout the whole discussion he could not discover any thing to allow him to think there was any just foundation for the charge that was preferred. On the third point, he could only say it was from no act of his own that he was no longer a legal adviser of her Royal Highness. She had no doubt voluntarily made choice of persons much better able than he was to give her advice.

Mr, *Brand* said, he was disappointed in the speech he had just heard: he expected to have heard some reply to the allusions made to the learned gentleman. In his opinion circumstances had come out which made him think the country was exposed to much difficulty and danger. The noble lord had made no satisfactory reply to his hon. friend; it was not enough to say the Regent had the sole prerogative of educating his daughter. Statements had been handed about in which it was said, the Princess was accused by suborned witnesses, and to suffer the matter to rest here was a denial of justice to the Princess; for this reason he would support the Amendment of his hon. friend.

Mr. *Stuart Wortley* said, he felt very warmly on this occasion, as a man of honour and a gentleman, but he could not vote either for the original motion or the amendment. He must at the same time say, it was not the speech of the noble lord that induced him to come to this determination; for the noble lord had left the points which were the most material in the discussion without any answer. He considered this a most galling and disgraceful subject, no less than dragging the royal family before the House. The true question was, whether ministers had done their duty, first to their King, and secondly to their country. In his opinion, the four commissioners appointed in 1806 had gone farther than they were required to do. The commissioners were to examine into a charge of one kind only; but from the evidence brought to support this they formed another, and thus exceeded their jurisdiction. If their report was only to go to the King, this circumstance would not have been material, but as it was to go to the Princess, it was sure to be productive of such difficulties as no woman could submit, without complaint, to the imputations that were cast upon her. But passing by this Report, the next to be considered was that of 1807, which was a complete acquittal as to every point. This the noble lord had not denied in his speech; but the ministers of that day not only acquitted her Royal Highness, but went farther, and advised his Majesty to receive the Princess at court. With such a Report in existence, why was it necessary now to ransack the evidence of 1806, and to rake together the documents of that period to found a Report upon what regulations were necessary to govern the intercourse between the Princess and her daughter? Documents, in crushing which the noble lord had formerly been a party. If, instead of such an unjustifiable proceeding, his royal highness the Prince Regent had been advised to say, 'I am the father of this child, and I will act as a father is impowered to do. I am Prince of these realms, and I will exercise my prerogative of educating the successor to the throne'—the country would have been satisfied, in his opinion, as he did not conceive the Princess was so popular, as to fear that such advice would not have been universally approved of. The hon. member said, he had as high notions of royalty as any man; but he must say that all such proceedings contributed to pull it down. He was very sorry we had a royal family who did not take warning from what was said and thought concerning them. They seemed to be the only persons in the country who were wholly regardless of their own welfare and respectability. He would not have the Prince Regent lay the flattering unction to his soul, and think his conduct would bear him harmless through all these transactions. He said this with no disrespect to him or his family: no man was more attached to the House of Brunswick than he was; but had he a sister in the same situation with her royal highness the Princess of Wales, he would say that she was exceedingly ill-treated.

Sir *Samuel Romilly* said, the hon. member was mistaken as to the nature of the powers given to the commissioners in 1806. He had no authority for saying the noble lords had officiously entered on other points besides those which were referred to them. He would ask the hon. member, if he had ever read the commission? He (sir Samuel) had seen it, and if he did not very much mistake it, it went to direct the four noble lords to inquire into all the facts contained in the statement of the Princess of Wales, which had been submitted to his Majesty; among which were other matters, besides those forming the ground of the principal charge against her Royal Highness.

Mr. *W. Smith* fully participated in what fell from the hon. member who spoke last but one; if his sister had been treated as the Princess of Wales had been, he should feel himself extremely sore. He regretted he could not see his way clear how justice could be done to the Princess, and, therefore, wished his hon. friend would explain what further proceedings he had in contemplation.

Mr. *Ponsonby* could not accede to the motion of his hon. friend, yet he was almost inclined so to do, from the admirable, incomparable, resistless eloquence with which he urged it. He would ask, was it competent for this House to grant the prayer of the Princess's Letter? The Report of 1806 ought not to be laid before the House. Was there any thing in it that ought to be submitted to their consideration? Suppose the Report to be on the table, what would they do with it? Could they address the Prince Regent for a trial? Could they condemn? Could they acquit? This was truly an attack on the government; and the defence of the noble lord was worthy of the newspapers which advocated his cause. He denied that any person in opposition had had any connection with the publication of the papers, or with any part of the transaction; he disclaimed all knowledge of all proceedings therein, and he should despise any one who could make the royal quarrel a stepping-stone to office: he had never so done; those he acted with had never so done; and he wished he could say as much for the living and the dead, and that all could lay their hands on their hearts and say the same. He despised such base and despicable conduct from the bottom of his soul.

Mr. *Whitbread* said, after the question asked of him by his hon. friend, he might, perhaps, be allowed to make good a deficiency in his former speech, by explaining what his further views and intentions were, provided he should succeed in his motion of that night, and obtain the Report alluded to in the Letter of the Princess of Wales to the Speaker. It certainly was his intention, in the event of the success of his first motion, to have followed it up by motions for such papers as might appear necessary for the further elucidation of the business, and for the justification or conviction of the person who had thrown herself, as her last resource, upon the justice and mercy of the House. But the few hours which had passed since he moved his Amendment, had so entirely altered the state of the case, that he should not now even press a division. The most complete defiance on the part of the Princess of Wales had been thrown out, in the presence of those persons who had the fullest opportunity of inquiry, and whose duty it was to inquire into every part of her conduct—who had the means of searching her very heart. So completely did she now appear acquitted of all possible imputation of blame, even by those persons from whom the aspersions were, by the world, supposed, in the last Report, to have been thrown upon her, that it was in his mind unnecessary to press the matter to a division. Her innocence was entire—it was complete. To such restrictions as the Prince Regent in his capacity of father to the Princess Charlotte, or by the advice of his ministers, might think proper to impose upon her intercourse with her daughter, she must submit. It was her lot. But she had the satisfaction of knowing that her reputation henceforward was, by the confession of all parties, without imputation or reproach. From these considerations, he should not press a division.

Mr. *Canning* could not sufficiently praise the honest and manly warmth shewn by the hon. member who spoke last: but all motions similar to the present he should resist. He never would consent to support that which, however plausible at the moment, would endanger the permanent interests of the country. Besides, the necessity of such motions was lessened, if the object was to declare the entire acquittal of the Princess; because, from the tone of the noble lord, as well as his repeated declarations of her innocence, any further proceedings were unnecessary. He was prepared to assert and maintain, that the

words and meaning of the cabinet Report in 1807, conveyed a complete, satisfactory and unlimited acquittal. He would not have supported the late Minute of the council had he been in the cabinet; he should have been content to say that his Royal Highness was the master of his own family; as father and sovereign, he had a right to direct and controul the conduct of his daughter, and to regulate whom she should see, and whom she should not see. The Minute, he was glad to hear it owned, left acquitted innocence, as it was, before the council made their Report. It was hard to stop these discussions; but it was better they should be so done, than left where it would be difficult to controul their circulation. He (Mr. Canning) disapproved of the original publication of the letter as the cause of all the mischief. He would not have raised the flame by calling in the aid of other persons to assist the cabinet, which had given to the proceeding a character of uneasiness and anxiety that had been very injurious.

Sir *W. Garrow* maintained that the Prince Regent was placed by the appearance of the letter in print, in a situation that forced him to take the opinion of grave honourable persons, as to the line he was to adopt upon this subject. He denied being a party to the publication of the extracts, which appeared in a newspaper some days back. What took place was this, he and Mr. Adam, and Mr. Jekyll, were not called to revise the proceedings of the council in 1806, but they were commanded by the Prince to give their opinions upon questions proposed to them. They met at his house, locked up all the papers while the subject was in discussion; they destroyed all the copies but one, and he had not seen the papers since, till he was shewn the extract that was printed in one of the newspapers the other day.

Mr. *Yorke* requested Mr. C. Johnstone to withdraw his motion.

Mr. *C. Johnstone* refused so to do, adding, that it was a proud day for him, because it had completely established the innocence of her royal highness the Princess of Wales.

The question was put, and Mr. C. Johnstone's motion was negatived without a division. The House then adjourned.

HOUSE OF LORDS.

Monday, March 8.

PETITIONS RESPECTING THE CLAIMS OF THE ROMAN CATHOLICS.] Earl Fitzwilliam presented a Petition from Leeds, in favour of the Catholics. The duke of Sussex presented a Petition from the Catholics of the counties of Sligo and Wexford, praying for the repeal of the several statutes against them.

The Marquis of *Lansdowne* presented a Petition to the same effect from the Catholics of the city of Limerick; and in doing so, he thought it necessary to state, what the petitioners did not ask. They asked for no political power as a body: they only asked that they, as individuals, might at the pleasure of a Protestant sovereign, or a Protestant community, be eligible to such offices as the Protestant sovereign or Protestant community might think them calculated to fill with advantage to the country: they asked for no establishment of their own Church in the place of the establishment of the Church of England: they only asked, that they might, without a stigma upon them, exercise their own religion. They wished for no change in any of the establishments of the state, but only the opportunity of defending those establishments which their conduct and their oaths proved them willing to protect and support. This he had thought proper to say, because, from what he had read and heard, he knew that most unfounded insinuations and statements had gone abroad respecting the views of the Catholics.

HOUSE OF COMMONS.

Monday, March 8.

ARMY ESTIMATES.] The House having resolved into a Committee of Supply, to which all the papers presented by the Secretary at War on the subject, were ordered to be referred,

Lord *Palmerston* rose for the purpose of bringing before the committee the Army Estimates for the year. In executing this task, his lordship observed that it would not be necessary to occupy much of their time. Gentlemen on the other side were so well acquainted with the nature of the forms of these Estimates, that he had no observations to offer on that head; but might content himself with stating the variations between the amounts for the present and the last year. These variations he should premise, arose solely from the increase of our establishments, which, from a general view of the matter, would be found to have been augmented by the

number of 12,000 men, occasioning the additional expence of 390,000*l.* This increase, he repeated, was owing to the increased numbers of our effective force, and not from any additional expenditure on items in the Estimates differing from preceding years. The best mode of rendering these Estimates clear to the committee, would be to take them head by head; and though this would lead him somewhat into detail, he trusted that would be compensated by the satisfactory view it allowed him to take of our military situation.

The first head to which he should direct their attention was the Land Forces, which comprehended the whole regular army, with the exception of foreign corps in British pay, the regiments employed in the territorial possessions of the East India Company, and the embodied militia. In this part there had been an accession of 9,600 men, and an additional expence of 299,000*l.* In noticing a few of the subdivisions under this head, he had to state that an augmentation had taken place in the household troops to the number of 970 men, at the expence of 13,000*l.* This consisted of two troops added to the life, and two to the horse guards, in consequence of the regiments being sent on foreign service to the peninsula. He had also to inform the committee that a similar increase of 419 men, and 9,000*l.* of expence had taken place in the 21st and 23d regiments of light dragoons. In the infantry of the line there was an accession of 5,300, and an expence of 109,000*l.* which arose partly from the addition of other battalions to several regiments, and partly from the formation of other veteran battalions and provincial corps. Of the latter the number was 2,000 more than embraced in last year's estimates, and the expence 85,000*l.* The increase of veteran battalions was accounted for from the number of men whom the toils of the campaign had worn out, and who, though unfit for the hardships of the field, were fully competent to do garrison duty, and for this purpose they had been formed into a force of this description at Lisbon. A fifth garrison battalion had also been formed in the West Indies, of soldiers unfit any longer to endure the fatigues of active service, and he was sure the committee would accord with him in estimating this excellent mode of providing for the old servants of the country while they continued and enlarged the term of their usefulness. Another troop had also been added to the waggon train, by which that force was made to consist of 12 companies instead of 14. They were thus disposed of—9 troops were in the peninsula, and 3 troops were at home, for the purpose of recruiting and preserving a depot to supply contingencies among those upon service.—There were this year also two additional fencible regiments raised in Canada and New Brunswick; the former, called the Glengary fencibles, consisted of Scotsmen who had settled in that province, and the latter were called the New Brunswick. Their services were limited to North America, where they were found to be very efficient; so much so indeed, had a former Glengary regiment been, that on volunteering their services generally, their offer was received, and they now constituted the 104th regiment of the line. The miscellaneous charges under this first head were explained in the Estimates, by memorandums placed opposite to them. The increase was apparently 151,000*l.* but the sums which had been saved from non-effective claims for regimental establishments, would reduce it to 61,000*l.* This 61,000*l.* arose from the larger sums expended in this, than in the former year on the recruiting service, both in England and Ireland. Gentlemen knew that the Estimate, on this point, was always calculated upon the expence of the preceding year; but the great increase of the number of recruits raised in the present year, had rendered the calculation founded on the year before insufficient to meet the expence incurred. On the whole, under this head, would be found an increase of men to the number of 9,600, and of expence to the amount of 299,000*l.*

The second head referred to regiments in the East Indies, but as these were by law declared to be payable out of the revenues of the Company, it was only necessary to mention them, that the whole state of the army of Great Britain might come into one complete view. For the purpose of recruiting for this force, two additional companies of 48 men at an expence of 2,000*l.* were now established.

The next head was the Embodied Militia, in which there was only a difference of two men, and expence 17,000*l.* in recruiting, but in consequence of the vote of last year, respecting the supernumeraries being diminished, there was a diminution of 30,000*l.* on the British, and 12,000*l.* on the Irish establishment.

The next head was that of General Staff and Garrisons, and in this there was an increase of 41,000*l.* owing to the augmentation of the staff serving abroad, particularly in the medical department, and to the transfer of 15,000*l.* which had heretofore been charged in the army extraordinaries, for the deputy quarter master general, &c. but which was now placed among the army estimates. This addition also arose from the pay of a commander-in-chief in the Mauritius, and the appointment to several new commissions in the West Indies. It was customary to allow the commander of the forces 1,000*l.* to equip himself, and this sum with the other items he had enumerated, made up the total increase of 41,000*l.*

The next head was that of Full Pay to Supernumerary Officers, which exceeded the estimate of last year 20,000*l.* in consequence of the greater number of these officers, whose services deserved so well of their country, having retired.

The next, was the Public Department Allowances, in which the increase was 28,000*l.* arising from a larger sum being necessary to the pay office for exchequer fees. The salary of the head of that office was also augmented to 2,500*l.* and there was also an increase of 600*l.* in the commander in chief's office, from his secretary's becoming entitled from his length of services to a larger salary, viz. 3,500*l.* The war office was nearly the same as last year. The adjutant general's office required 935*l.* from an arrangement being made that the deputy adjutant-general should receive the full pay of his rank; the office pay of 19*s.* per day being considered inadequate. And a similar arrangement had taken place in the quarter master general's department, in which, however, there was a diminution of 500*l.* The charge for the depot for military knowledge amounted to 1,500*l.* which was paid over to the deputy quarter master general for the purchase of maps, charts, &c. There was nothing more worth notice under this head.

In the next, that of the In-pensioners of Chelsea and Kilmainham Hospitals, there was an addition of 1,300*l.* from the pensioners this year receiving full clothing, which they only did every other year.

In the next head, the Out-pensioners of these establishments, there was an additional claim of 38,000*l.* as arrear of pensions of former years in Ireland, but this would be met by sums already voted and unexpended.

The eleventh head was that of Widows Pensions, and in this there was an increase of 1,250*l.* owing to there being more deserving applicants put upon the list than there had been money fallen in from deaths or marriages.

In the next head, the Volunteer Corps, the expence was 55,000*l.* less than in the former year; and a further reduction of 8,300*l.* had taken place in the local militia, from the reduction of their numbers, in consequence of the act of last session.

The next head was the Foreign Corps, and included the Supplementary Estimate. Here there was an increase of 2,500 men, and 90,000*l.* expence arising from the additions to the German Legion, and the formation of two foreign veteran battalions, in which to employ these men, worn out in our service, instead of sending them home as before. This system had been altered, and the new mode adopted in consequence of the present state of the continent, which subjected these brave men to danger inconsistent with the character of this country, and the protection we were bound to bestow upon those who had served us. The amount was also increased by the formation of seven independent companies, or companies composed of Frenchmen. At the beginning of hostilities the desertions from the enemy in Spain had been confined to Germans, &c. but within the last year and a half, the privations to which they were exposed had induced many Frenchmen to come over to the other side. These could not be incorporated with our foreign corps; and in order to obtain useful and military service from them, it was determined to form them into these small troops or companies, as the nature of their services might be, rather than embody them altogether into one mass of force. Each individual was placed in the same rank which he had held in the French army.

The next head was the Royal Military College, in the expence of which there was an increase of 18,200*l.*; but, a balance of 8,800*l.* left last year would reduce this item to only 9,400*l.* including 2,800*l.* in the civil department, expended in the purchase of a house at Farnham, rendered necessary by the establishment at Sandhurst, and also including the expence of two new companies of cadets.

In the next head, the Royal Military Asylum, there was a small increase. In the allowances to retired chaplains, &c. the estimates were nearly the same; and

in the medicines and hospital expences, there was a diminution to the amount of 2,500*l.*

The following head was the Compassionate List, in which there was an increase of 4,700*l.* in consequence of there being more claimants upon the fund, whose merits demanded compliance with their applications.

On the next head, the Irish Barrack Department, there was an increase of 9,500*l.* occasioned by the transfer of an item which had been placed under another head, and by the rise in the price of necessaries for the troops. The Commissariat Department of Ireland exceeded the last year's estimate by 28,000*l.* in consequence of the increase of forage money for the cavalry, and the delivery of great coats, and 15,000 pair of shoes to the men. The last head was that of Superannuations; and in this there was a diminution of 541*l.* from the death of the late Mr. Lewis, although the retirement of colonel Paterson from office, with a pension, had been added to the charge. The general view as he had already stated would give an increased expence of 399,000*l.*; but a deduction of 18,000*l* from this would leave the correct total about 381,000*l.*

With respect to our force, it was satisfactory to state, that the difference between the effective strength at the end of 1811, and the end of 1812, was very favourable, notwithstanding the extent and magnitude of the services in which our armies were engaged; notwithstanding the casualties of long, active and harassing campaigns; marches, disease, and losses in battle. Surmounting all these obstacles we had an actual increase of 10,200 effective men. Of these a considerable portion, indeed, were of the Foreign corps; but in British alone, there was a clear augmentation of 2,000 men, besides 400 Spaniards, who had been incorporated with them in the peninsula.

The noble lord then proceeded to advert to the successful nature of the recruiting service within the last year, which, he contended, had not arisen from commercial distress, but was general throughout the country. One cause to which he attributed it was to a change in the recruiting system, by employing officers well calculated for the service, and giving them district with the command of all parties therein, though not belonging to their own regiments, instead of young officers, who accepted the task rather as a leave of absence than as a service. The experiment had first been tried in the Gloucester district, and from its success extended to four or five other districts, in all of which still proving productive and beneficial, the system would now be generally resorted to. The continuance of the officer in the district depended on his success, and the plan would, in the first instance, have the good effect of disengaging seven hundred officers, and joining them to their several regiments. Another of the improvements was to allow a larger share of the reward to the non commissioned officers, upon whose exertions the success in recruiting must in a great measure, depend, however active and diligent their superior officers might be. The number of recruits raised last year was 14,432, by ordinary recruiting. This was a great increase, as in the preceding years it had been rising from nine and ten, to eleven and twelve thousand. The volunteers from the militia were nearly equal to the full number allowed, namely, 9,900, making a total to the army of 24,335. The place of the volunteers from the militia was filled up by beat of drum, and therefore he might state the total addition to the regular army to have been gained by the success of the recruiting service. This was a most satisfactory contemplation, and it must afford the House delight to see the ardour and spirit of the people roused in proportion to the demands upon their services.

It might be necessary to explain the difference which existed between the number of casualties which were accounted for, and those which really had happened. In the account of the casualties which had been given, all those which had happened on foreign stations were included. Some persons who knew that the case was so, had expressed their surprise at the small amount of the casualties stated in the return. The return which had been called for by the hon. gentleman, was that of the casualties for 1812, which necessarily did not include those which had taken place during the latter months of 1811. So that those persons who had professed to feel so much astonishment at the smallness of the number, probably thought that the latter months of the year 1811, were included in the return. On the one hand the number of men added to the army, during 1812, amounted to 39,762; including those raised by regular recruit-

ing—by recruiting from the militia—those deserters who had been recovered, &c.; on the other hand, the casualties of 1812 amounted altogether to 29,562; of which number 26,775 were accounted for in the return. This left 2,787 unaccounted for. In order to explain why there was such a number unaccounted for, it would be necessary to state, that when a regiment was sent abroad, the commanding officer was accountable for all the men. But when on service, all those men who were so wounded or disabled, as to be rendered unfit for service, were sent home in detachments. Those men so sent home, were struck off the list of effective men abroad, and not being taken on the effective list at home, (though ultimately accounted for by their commanding officers) there was a perpetual balance of these men, who from not being included in either the list of effective men at home or abroad, would make up the difference between the number accounted for in the return of casualties, and the number which was actually deficient. Such was the real cause of a difference, which appeared at first sight so extraordinary, and even almost inaccurate.

The noble lord then concluded by moving as a Resolution, "That it is the opinion of this Committee that a sum not exceeding 3,637,501*l.* be granted to his Majesty to complete the sum required for defraying the charge of the Land Forces at home and abroad, from Dec. 25, 1812, to Dec. 24, 1813."

Mr. *Bennet* entered into a comparative view of the recruiting service, as introduced by Mr. Windham in his celebrated bill, and the mode which was now pursued; and contended, that, although a great number of men might be procured, the system which was acted upon had the effect of destroying the militia force of the country. The plan which Mr. Windham had in view was, to make the profession of a soldier not only acceptable to himself, but agreeable to his friends. It was his desire, that, when he entered the army, the soldier should not be looked upon as one who was lost, from that hour, to civil society. This system was calculated, by encouraging enlistment for a particular period, to induce many, who would not otherwise embrace a military life, to enter into it for a few years.—He observed, that the ordinary recruiting in 1807 produced 19,000; in the quarter before Mr. Windham's plan was broke in upon, 11,000; and in the quarter afterwards 9,000. In 1809 it produced 11,700; in 1811, 14,000; 1812, 14,400, thus demonstrating the great superiority of the plan of the late Mr. Windham, over that for which it was changed, and the army left at the mercy of the noble lord. Many casualties, he asserted, were yet to be reported from abroad. He entered into various calculations to prove the loss of the army must be greater than was stated. There was a board for directing the clothing of the army, and he wished to know who were its active members, who were the military *arbitri elegantiarum?* Who were the persons who devoted their time and talents to the mode of sticking ostrich feathers into general's hats, and fastening tags on their shoulders, and arranging the other articles of dress? He should rejoice in an acquaintance with those military milliners, who had so transformed the life-guards. He had seen the body guards of various potentates; but neither in splendour or manliness of appearance could they be compared with those of his Majesty, before the late alteration of their costume. He did not know whether any gentleman present had seen them in their new dress; but certainly nothing more stupidly foolish, nothing betraying a more ridiculous taste, could possibly be imagined. The unfortunate guards were ordered to be sent abroad. Did any gentleman see them before they went? Nothing could be more absurd than these military changes; they were worthy of Grimaldi or D'Egville; adorned as they were in all their pantomimic pomp and feathers, they looked like the Rinaldos of an epic poem. It might be said, that fine troops at home were destroyed, and bad troops sent abroad. The time that had been called politically a New Era, was also a new era with the army. There was a cavalry clothing board appointed, with the duke of Cumberland at its head, whose resolves were memorialized against by general officers as absurd, and one of whose regulations was called "inflicting a cap on the cavalry." One leading proposition was to deprive the dragoon of his boots; but the Duke of York afterwards cancelled the order, and dissolved the board. Then came another board, under lord Harrington, rather more meritorious. As the former one would take away the dragoon's boots, so the latter would deprive him of his breeches. Laughable as this seemed, it was the fact; the heavy dragoon was to have white worsted web-

pantaloons, and on home service, blue worsted web pantaloons! This might do very well for Bond Street, but certainly it was very unfit for foreign service. Now, the reason for making these alterations was, that the colonel of a regiment, on the new articles, made a profit of about 700*l.* per annum, as he could prove, by a paper he held in his hand, though the men would be worse off by 380*l.* A great expence was likewise to be incurred by the saddle-cloths, to please some idle, paltry, and contemptible taste. He objected to the enormous expense of these things. An officer's jacket cost him 23*l.* his pelisse 21*l.* and his pantaloons 4*l.*; his cap, belt, &c. 60*l.* This he learned from his tailor; and his saddler informed him that the horse furniture came to eight guineas. Altogether the expense was 108*l.*

Mr *Lacy* said, that although the noble lord had congratulated the House on the flourishing state of the army, yet, when the subject came to be inquired into, it would be found, that of the 10,000 additional troops which had been added to our forces, but 2,000 were British. By referring to the Gazette it would be seen, that the number of English troops who fell in action was far greater than that of foreign troops: but, to make up this loss, it would appear from the noble lord's account, that, for one Englishman, there were four foreigners enlisted—if this continued, our army would soon consist entirely of foreigners. By the noble lord's statement of casualties, it should seem that in the last three months, they amounted to near 4,000 men, in the peninsula; but in the account which had been laid before the country, they were estimated at only 1,500. Why, he would ask, were not fair accounts published? He was not afraid of looking the difficulties of the country in the face, but he wished to know them correctly. The hon. gentleman, in speaking of the means resorted to for supplying the army, reprobated the custom of draining the militia, which he considered most dangerous. He next adverted to the establishment of the Military College: he agreed in the necessity of such an institution; but thought it was not placed on a foundation sufficiently broad and extensive. In the junior department there was only the small number of 412 young men on whom a public military education was bestowed. This was a number altogether insignificant, when it was considered that there was a standing army of 300,000 men. In the senior department there was a number still more contemptibly small, only thirty officers. Some good officers had however, certainly been formed, by the service they had seen on the peninsula; but, he did not think, that, in general, they were capable of applying the information which was there to be obtained, in consequence of the original defects of their education. But, if the principle of granting military instruction were extended, they would be able, in time of peace, to form a body of efficient officers, ready to repel any hostile attack. He regretted extremely that the noble lord had not applied himself, to devise means for diminishing the military expenditure of the country, which was enormously great and rapidly increasing, and concluded by recommending a thorough change in the constitution of the army.

Mr. *Huskisson* said, he had been in the habit of calling the attention of the House to the general state of the expenditure of the country on occasions similar to the present; but as the Chancellor of the Exchequer had given the outline of a plan which he was soon to submit to them for their consideration, he should defer his observations on that subject till that plan came under discussion. He would only state at present, that if any person thought that he was less called on to retrench in consequence of that plan to render fresh taxation unnecessary for the next four years, he was most egregiously mistaken, and would be paying a very bad compliment to his right hon. friend. No person could look at his plan without feeling that it could be justified by necessity alone, and that if the war should continue for any length of time, the country would, in consequence of it, be involved in very serious difficulties.

He wished at present merely to state some objections to certain parts of the proposed estimates. The first kind of increased expence was, for an augmentation of two troops to the two regiments of life guards, stated at 28,000*l.* a piece; but this was by far the smallest part of the expence attending them. It was stated that this augmentation of two troops was necessary to these regiments, before they could be sent on foreign service. Now, were these two regiments, with reference to fitness, the very best cavalry regiments of the kingdom? If they were not the most fit to be employed on foreign service, they were certainly the best adapted for

the purpose of being employed at home, in all cases of public ceremony and procession, and for the preservation of the peace. They were a body of men whose appearance was highly calculated to attract the attention of every person. He was incapable himself of giving any opinion with respect to these matters; but every officer who had served in the peninsula with whom he had conversed, told him that these regiments were not particularly adapted for the service of the peninsula, and that other regiments might have been selected, fully as well adapted. But what seemed to be most reprehensible was the delay in sending them off. After the battle of Salamanca had opened an extensive field of operations, the great officer at the head of our army was desirous of advancing into the heart of Spain, and for that purpose wished to have a supply of cavalry, as speedily as possible, to enable him to act with efficacy on the large plains of Castile. On the 22d of July the battle took place, and early in August the order was given to the life guards to prepare for foreign service. The troops, however, only left their barracks in October, and they remained at Lisbon till some time in the course of last month; so that they were of no use in the campaign. He hoped he should not be told that there were no other corps in the country more fit to be sent out, or capable of being dispatched sooner. Of 35,000 English cavalry, 12,135 were at home, and besides, there were 2,340 foreign cavalry in the country; and a great part of this force was fit to proceed immediately on any service. He did not wish to speak of the foreign troops with any thing like captious jealousy; but he must say this—that if any description of troops more than another ought to be employed out of the country, under the existing circumstances of the world, it was foreign cavalry. With respect to our cavalry, there could be no difficulty of remounting it to any extent. Cavalry could not be wanted in this country, except for assisting the police; and for this our own cavalry ought to be employed in preference to foreigners. He had always heard that the foreign cavalry had greatly distinguished themselves in every action, and that they had shewn themseves equal,—for it was impossible to be superior,—to our own. Why, then, were not more of them sent abroad, when we had such an abundance of them? In all points of view there seemed to him to have been no necessity for sending the life guards. No difficulty had ever existed in recruiting the cavalry. We did not want the aid of foreign cavalry for domestic purposes, to which our own cavalry was much more competent. While we retained 2,340 foreign cavalry at home, we had only 1,800 in the peninsula; although all military men concurred in highly estimating their zeal and gallantry. The noble lord had said, that the augmentation would cost but 28,000*l.* a-year. This, let it be observed, was for subsistence alone. It was a large and disproportionate sum. It would be observed that the augmentation of 160 men to the life guards occasioned an increase of 9,253*l.* for subsistence alone, while an augmentation of 210 men to a light dragoon regiment cost only 6,000*l.* But this was not the only expence which these additional troops would entail on the country. Only last year a barrack was asked for these regiments at the expence of 150,000*l.* and notwithstanding the enormous expence, this question was carried by the ministry, but afterwards postponed to a future period. If they persisted in the erection of this barrack, the new troops would entail an additional expence of more than 100,000*l.* on the country. At a moment of such pressure as the present, any augmentation of the household troops was impolitic, and contrary to all precedent.

The next point in the Estimates to which he should allude, was an omission. The estimates of the present year did not state, as had always been done in the estimates of former years, the respective force employed at home and abroad. This was essentially necessary. The force serving at home had been gradually decreasing for some years. In 1810, it amounted to 133,000 men. Last year, it had been only 83,000. No doubt, in the present year it was still less, the circumstances of the war rendering it unnecessary to retain troops in the country. The consequence was, that a smaller staff became necessary at home. When the noble lord, therefore, stated that the staff abroad had considerably and necessarily increased, he ought to have been able to inform the House, that the staff at home had been considerably and necessarily diminished. But the expence was vast in every branch.

If this had arisen from an increased establishment abroad, he should not have been so much surprised at its amount. If we had now 100,000 men abroad, he could not expect that the expence of the

staff for such an army should be no greater than when our army abroad amounted only to 30,000 or 40,000 men. This, however, was not the case, and our great staff establishment did not belong to our army abroad, but to our army at home. In the year 1809 our army for home defence amounted to 140,000 men, now it amounted only to 50,000, and yet our staff establishment at home was at the present moment, quite as great as it was in the year 1809. We had, indeed, nothing but staff; there was nothing else to be seen. Major-generals and lieutenant-generals met our eyes on all hands, without any thing for them to command. This was the case not only in cavalry but in infantry. Retrenchment here, therefore, was loudly called for, and, unless our army had been starved in regard to the staff in the year 1809, it would be ridiculous to say that we could not dispense with a great part of our home staff at the present moment. It required no military knowledge to form a judgment on this head. During the last year our staff was greatly too large for the number of men employed in our service; now they were out of all proportion. He hoped, therefore, that ministers would not press this item to-night, but would bring forward a fresh and curtailed estimate, having reference to the curtailed numbers of our army at home, and to the state of the country. Our state of home defence was not now required to be such as when we were threatened with invasion. From this dread had our extended home expenditure, particularly in the staff of our army, arisen. Now, however, that the apprehensions of invasion had ceased, and that we were embarked in an extended system of foreign warfare, our staff establishment at home was maintained on the same expensive scale, as if an attack was still dreaded from an invading enemy, instead of being put on a scale consistent with the number of the troops and the wants of the country.

The next point to which he should refer was of minor importance. There was an item of 10,000*l.* for repairs to the Horse Guards, during the last and present years. Now, as to this item of expence, he thought it would have been better if the sum actually expended for the last year had been specified. He did not mean to say that the money would be misapplied, or that it would not be expended; but he thought it would be better that the specific amount of expenditure had been given. The observations with which he had troubled the Committee as to the disproportionate amount of our general staff at home, applied in a still more forcible degree to our Volunteer force, a body of men which might now be considered as merely nominal. On this head there was a charge of 209,000*l.* This was a force which he did not think now necessary, since a better force had been found, pretty much of the same description, in the Local Militia. The volunteer force was now almost intirely nominal. The danger which had given rise to it now no longer existed; and volunteering was kept up, in most instances, only with a view to avoid enrolment for the militia. This over-loaded home staff, however, was not esteemed adequate even to the inspection of the volunteers, but a sum of 14,000*l.* was charged for inspectors of volunteer corps, of whom there were, in reality, none to inspect; and there were also general officers for the occasional inspection of the militia. What, he asked, were those regular staff officers to do, if they could not discharge such a duty as this? It was high time that a check should be put to so exorbitant an expence; when the volunteers were a great and effective force, there were no such officers required; but now, when the volunteer force had become almost obsolete, this unnecessary expence was to be incurred. He was convinced, if such a force were now necessary the voluntary zeal of the country would revive; but till this was the case, he thought it would be well if the task of reviewing the corps which now nominally existed was to be considered a voluntary and unpaid for service also. These objections he did not apply to Ireland, as he was not sufficiently informed with respect to the necessity which might exist in that country for this description of force. He now came to a great item of expence, in his view of which probably there were few or none who might agree with him. Looking to our armies in the peninsula, he hoped he might flatter himself with the expectation, that they were about to resume offensive operations, with better effect than they had lately done, and, if this should be found to be the case, he thought it extremely probable that we might be able to avoid calling out the local militia for the present year. Let no gentleman suppose that he undervalued this class of our national force as contributing to perfect security and national defence (and he thought that much praise was due to the

noble lord who had brought forward the measure) but still he thought there could exist no necessity for calling it out at present.

Why call it out this year for 14 days, when there was no appearance of there being any occasion for it for years to come? Would it not be better not at all to call out the local militia this year, and to call it out for 21 days during the next year, when in all probability our foreign expenditure would be reduced in amount? It was not a force calculated to keep up the regular army. Calling it out into actual service could be of little avail where there was no dread of invasion; and when to this was added, the inconvenience of taking away from the agricultural districts one third of the farmers' servants for 14 days, when they could not be required, he hoped ministers would be induced to relinquish that idea for this year, and rather to call them out for 21 days in the following year, when their services might be more effective. In these different ways, the expence would be greatly reduced without the effective force being at all broken in upon. For besides the expence attendant on this establishment, the pressure upon the agricultural part of the community was to be deprecated. In one district he knew that the number to be called out for exercise amounted to one-third of the agricultural population—a circumstance which must be attended with great inconvenience and loss. By attending to the suggestion he had ventured to throw out, they might afford greater means for offensive operations, to which alone he hoped they were now to look for a successful and speedy issue of the contest in which we were engaged.

Mr. *Addington* said, that he wished to trouble the Committee with only a few observations on some topics that had been urged by his hon. friend who had just sat down, and an hon. gentleman (Mr. Law), who had spoken early in the debate, whom he had many reasons for having heard, then for the first time, with real pleasure, though he must own his pleasure would have been much greater, had not his opinions been so much at variance with his own. That hon. gentleman had contended against the practice of making the militia the medium for recruiting for the line on two grounds; first, that it gave offence to the commanding officers of the militia, and, secondly, on account of the expence incurred by the double bounties. He begged leave to assure him, that very few of the militia colonels remained adverse to the measure, especially since it had been made, by a legislative act, not a part of the military system of the country; and he applauded the public spirit of those who subdued their prejudices, or conquered their objections, in deference to the consideration of the permanent importance of increasing, by all possible means, the disposable force of the country. As to the comparative expence of recruiting direct into the line, or through the medium of the militia, he could assure the House that the difference was inconsiderable, notwithstanding the double bounties. He had made out an estimate from authentic documents; and he could demonstrate, that in no instance did the difference exceed between 4 and 5*l.* per man, and that after the first volunteering from the militia the expence was nearly equal. The hon. gentleman who just sat down had expressed an opinion of the unnecessary expence of keeping up the volunteer force of the country. Of the incalculable service rendered by that meritorious body of men he could not express himself in terms of adequate panegyric. Perhaps he might agree in some of his hon. friend's observations respecting them. The subject had been for some time under the consideration of his noble relation; and he hoped the House would give him credit for there having been sufficient reasons why any new arrangement respecting them had not as yet been submitted to its consideration. As to the local militia, a part of our defensive force still more valuable, he expressed in strong terms his surprise that his hon. friend should have even suggested the propriety of abstaining from calling them out this year, when they consisted almost entirely of raw recruits—before they had even received their clothing—and before officers and men knew any thing of each other. In case of any internal disturbance, without being previously brought to act together, they would be little better, if called out to suppress it, than a mere rabble. He implored the House not to apply too rigidly the principles of economy to this valuable branch of our defensive force, which was as yet in its infancy; and to bear in mind that, in the vicissitudes of human affairs, of which we had even recently such striking proofs, we might have occasion bitterly to regret, that in a moment of internal repose and freedom from external danger, we had

neglected to foster and improve that branch of our defensive force, in which the public spirit of the country had so entirely committed itself, and on which so much dependence was to be placed in case of any such necessity. To think this impossible was the height of folly, and he was sure that, instead of legislating on so dangerous a principle, the Committee would feel the necessity of fostering this valuable branch of national defence while yet in its infant state.

Mr. *Fremantle* said, that the hon. gentleman opposite (Mr. Huskisson) had made it unnecessary for him to trouble the Committee at much length. With respect to one or two points, however, he wished to offer some observations. There was only an increase of 973 men in the household troops, and this was attended by an annual increase of 38,000*l.* He then remarked upon the want of judgment as well as the want of economy, in sending the horse guards to the continent at an extra expence of 2,000*l.* for new dressing and equipping them, without their being even fit for service on their arrival at the place of destination. These men, he said, had been raised to support the splendour and dignity of the crown, and were by no means intended for foreign service. Their equipments before they left this country, cost a great sum, and they would now become a constant expence, and so unfit were they for the species of service to which they were devoted, that no less than sixty of their horses died on the passage, which, with the delays that had taken place in their progress, rendered them nearly useless. These delays might have been avoided, by sending the regiment that had been brought from Ireland to take their places, directly from Cork to the peninsula, instead of bringing them to London. This was a subject which he thought ought to be strongly pressed upon the Committee, and which called for their peculiar and marked animadversion. The hon. gentleman next adverted to the recruiting service, and remarked, that the charge under this head was beyond the possibility of justification. The calculation was at about the rate of 34*l.* per man, a rate so extravagant, that he thought it could not be too strongly condemned.—The expence of our staff at home too, he observed, had increased, even while our force at home had been reduced to less than one-third of its former establishment. Besides about 2,075*l.* a year to himself, it cost the country 5,000*l.* more to examine general Delancey's accounts; and really he did not know what claims the general had on the public to entitle him to any such rewards, especially when they considered the disordered and unsatisfactory manner in which he had quitted his office. This was a description of expenditure for which he could not account, and which, in his opinion, called for the explanation of the noble Secretary at War. With respect to the amount and expenditure of foreign troops in our service, the number of men last year in these foreign corps was 30,700. This year there was a small increase in the number, for there was an addition of 1,422 men; but for this small additional number, there was an increased expence of no less an amount than 58,000*l.* This year, too, the money expended on foreign officers amounted to 42,000*l.* and last year it was only 27,000*l.* This was certainly a system of patronage, but not a system for encouraging military talent, and he would ask the Committee, whether it was likely that this was the most economical expenditure of the public money which could be made? On the increased expences of the Military College he would say but little, as he approved of all that had been done in that respect, and felt himself called upon to give full credit to the noble lord for the admirable system upon which this institution was conducted. He could not help, however, mentioning one little circumstance, which, from personal observation, he thought might be remedied in this place. He alluded to the immense expence which was incurred for fuel. He remarked, when there, in the course of last winter, that there were not less than 200 fires lighted daily; and in the estimates, he observed, that a sum of 4,000*l.* was charged for fuel. This was an expence which, he conceived, might be considerably lessened, by having recourse to any of those ingenious methods by which many large buildings were kept warm in this great metropolis.—On the subject of the Barrack Department in Ireland some details were wanting; and the House ought not to vote the 90,000*l.* on the estimates for that service until these details were given. It was a subject of serious consideration, that all these estimates were annually increasing. In 1804 they amounted only to 18,000,000*l*; but this year they went so high as 29,000,000*l.* Upon the whole, he thought the House

ought to examine diligently into the accounts, and see that they were formed upon principles of the strictest economy.

Mr. *Creevey* said, that there was one part of the estimates upon which he meant to divide the Committee, and which he would again bring forward in the House when the resolutions should be discussed. An excess had been stated by the noble lord, of 34,000*l.* in the department of the paymaster of the forces. Now he should wish to make a permanent saving in this department of 2,500*l.* yearly, by flinging one of the joint-paymasters and his deputy overboard. He would rest his motion on the Report of the Finance Committee in 1810, which recommended the abolition of one of those offices of paymaster as a sinecure. Mr. Long, in his evidence before that committee, admitted that lord C. Somerset had a salary of 2,000*l.* a year, and his deputy 500*l.*; that his lordship interfered but little, and that his deputy was sometimes out of England for a considerable time, without the public business sustaining any loss. The situation which lord C. Somerset held was, as he conceived, a complete sinecure, which the Finance Committee had very properly recommended to be abolished. His lordship was, besides being paymaster, one of the generals of districts, whom he was himself to pay. His district, too, was something like a sinecure, for there were four or five general officers there, and but very few men. He should proceed in the same manner, upon that occasion, as had been done in the case of colonel M'Mahon, although there was less difficulty in the present case, as this office was not secured by a patent, but simply held at the pleasure of the crown.—This office had been included in the Bill which had been thrown out in the Lords, but there was a more effectual means left them now, as they had the supplies in their own hands. On these grounds he should think it his duty to divide the Committee on the seventh Resolution, to which he would propose as an Amendment, That the sum of 2,000*l.* should be left out, being the salary of the noble lord, and 500*l.* being the salary of his deputy.

Lord *Charles Somerset* said, that unaccustomed as he was to address the House, he should not have troubled them upon the present occasion, were it not for the allusion made to the office which he had the honour of filling. The hon. gentleman had stated that he founded his proposal with respect to one of the paymasters upon the Report of the Select Committee upon sinecure places. There was a Bill now in progress through the House upon the subject. It did, therefore, appear to him, premature, if not novel, to call for a decision upon one particular part of that Bill. He doubted whether the removal of one of the paymasters would have the effect desired. The result of it would be to place him and his right hon. friend (Mr. Long) on half pay, as the patent under which they enjoyed their places was a joint one. They did not enjoy half the salary of their predecessors, and he trusted that when the nature and responsibility of the office were considered, that salary would not appear too much. The salary appointed for the office in 1782, was 4,000*l.* per annum. Mr. Burke, who brought in the Bill to regulate it at that time, knew well the duties of the office. He was influenced, at the same time, by a principle of economy, and would not appoint a salary too great for the labour. That labour and responsibility might be estimated from the comparative amount of the money which passed through the hands of the paymasters in 1783 and 1812. In the former year it was 7,389,043*l.* and in the latter it was 29,295,690*l.* so that the responsibility increased four-fold. He would ask them, whether they would pass such a censure on the memory of Mr. Burke, as to resolve that the salary of an office should be reduced, which he did not consider overpaid by 4,000*l.* a year. The salary had not been increased since Mr. Burke's time, it was only divided between two, and this division gave additional security to the public, not that he meant to insinuate they would be less secure if the office were confined to his right hon. friend; indeed, the public could have no better security than his integrity and his honour. He trusted when the House considered that the increase of responsibility was not less than 12,000,000*l.* and that the hon. gentleman in 1806, when he was in office, had voted the estimates without any such objection as that now brought forward—they would see sufficient ground for rejecting his proposal. There were two paymasters in 1806, when the hon. gentleman's own friends were in power; and if he was of opinion, that, at present one was quite sufficient, it was saying, that one of the present ministry was equal to two of their predecessors.

Mr. *Long* admitted, that in the Committee alluded to, the abolition of one of the paymasterships was recommended; but that office was not under the same circumstances as the paymastership of widows' pensions. The latter was an office in the gift of the crown, the abolition of which had been frequently recommended to parliament. He denied that there was a real excess in the expence of the department at all equal to what had been stated by the hon. gentleman. As to the office of paymaster of the forces, the emoluments had been nearly as high as at present for a century. The salary of paymaster of the forces had not been at all increased. In the year 1715, when the office was held by the earl of Lincoln, the emolument of the office was 3,730*l.* a year, and so it continued to 1782, when Mr. Burke brought in his Bill to regulate the army pay office. By this Bill in 1783 the fees were abolished—the emoluments of the office taken away—and in consideration of the responsibility incurred, the salary settled at 4,000*l.* per annum. In the Committee on sinecure places, in 1797, it had been particularly referred to the Committee to report whether any reduction could be made, and after full inquiry into the nature of the office, and the labours attached to it, their report was, that the salary of paymaster could not be reduced without injury to the public service. If it were objected that the responsibility and the labour were not proportioned, he could assure the House that independent of responsibility there were other circumstances which added considerably to the labour. When he came into the office, he found an arrear of 25 years standing, for in truth no account had been passed through the audit office since the time of the passing of Mr. Burke's Bill. That gentleman, however great his talents in other respects, was, perhaps, on that very account the least fitted of any man for the dry details of office. Since he came into the situation fourteen years accounts had been passed. To him, therefore, the office which had been called a sort of sinecure was no sinecure. Since the adoption of the new system in that office the home accounts for 1809, 10 and 11 had been passed, and those for 1812 were now in progress. The foreign accounts were in the same state of forwardness. The result of the plan at present pursued was, that no irregularity or arrear could arise without the knowledge of the auditors of public accounts. He could assure the House, that since he held the situation he had been never absent from it more than one week together. Such an office could not be thought to be considered a sinecure. It was said that the whole of the business fell upon him; he could however assure them that whenever there was occasion his noble friend offered to share the labour. Although the same sort of attendance was not necessary for him, he had always been ready with his assistance when business pressed; and had taken upon himself that part which related to Chelsea hospital, which was by no means a sinecure. He was convinced that the abolition of the office would not contribute to any public advantage, nor would it be prudent to diminish the salary, whoever held the office. The responsibility of it had been much increased, and he hoped therefore the House would not consent to decrease the salary.

Mr. *Creevey* said, that he did not object to the competency of the right hon. gentleman, nor would he even complain much of the amount of the salary; but he complained of dividing the salary and splitting the office, not for the convenience of the public service, but for purposes of parliamentary influence, which was, unfortunately, more attended to often in that House. Besides, the loss of one half of his salary was amply made up to the right hon. gentleman by a pension of 2,000*l.* a year, and a good house.

Mr. *Long* said, that the pension was only 1,500*l.*

Mr. *Creevey* answered, that it was 1,500*l.* besides a house which was at least 500*l.* more. It was true, that in 1806, he voted the estimates without objecting to the paymastership; but he objected to it now, on the ground of a resolution passed in a committee that sat in 1810.

Mr. *Addington* assured the House that the pension granted to his right hon. friend, was given at the particular desire of his Majesty, for the important services Mr. Long had performed as Secretary of the Treasury.

Lord *Palmerston* rose to reply. With regard to what had fallen from an hon. member, respecting the recruiting service, he assured the Committee that the greatest care had been taken by the department to which he had the honour of belonging, to prevent any unfair practices in the enlisting of soldiers.—He could not at all consider it unfair that the militia were al-

lowed to volunteer into the regular service. They were allowed four days to consider the step they had adopted, and every care was taken by the commander in chief that in the course of the volunteering no unfair proceeding should be had recourse to. Some facetious observations had been made by another hon. member on the dress of the guards, who had been called Orlandos and Rinaldos. He did not doubt but they would equal the valour of those heroes when they came into action. In reply to what had fallen from an hon. member, he begged leave to observe, that it certainly was not the intention of the board of general officers to strip the soldiers of their breeches and boots, though the accusation reminded him of an anecdote he had heard of a French officer in the peninsula, who, hearing of the approach of the English army at night, leaped out of bed and mounted his horse in the exact predicament supposed by the hon. member. Their clothing was paid for partly by their colonel, and partly by stoppages of their money. The money was supplied in the first instance, by the officer, and then the portion to be supplied by the soldier, was repaid by small instalments to suit the convenience of the private. Another thing that had called forth animadversion, was the change from leather breeches to pantaloons; but the experiment had been tried in the artillery train, and found infinitely preferable. The leather when wet was difficult to be cleaned, neither was it so warm a clothing. The various alterations made in their dress were therefore effected, not to make them appear fine gentlemen in the streets, but because it was thought they would be found conducive to their comfort, and beneficial to the service. Their helmets had been called fantastical and theatrical, but when the Committee reflected on the evils to which the cavalry were subjected, exposed in their little cocked hats to the effects of the heats and rain, or losing them, from the difficulty of keeping them fixed on the head, and consequently going bare headed into battle, it would be felt that it was much better that they should be supplied with a comfortable helmet, which could not be knocked off, and the metal of which would turn the edge of a sword. He denied, however, that those changes in the equipment caused any increase of emolument to the colonels; from all he had collected, he should rather think it diminished their emoluments.—The next point that had been objected to was the number of foreigners in our army, and which number had increased. He denied that the foreigners in our service increased in proportion to the rest of the army. If it were practicable to augment our army with English soldiers to that amount to which it was desirable it should extend to meet the emergencies of the service, he was confident there was no one who would not prefer such an army to an army partly composed of foreigners. It was, however, with government, a question not of option, but of necessity, whether foreigners should be admitted into our service. Engaged in a sanguinary contest with an enemy whose resources were almost unlimited, as our army could not from the population of the country be recruited beyond a given point with Englishmen, it was necessary, as well as soundly politic, to make up the number required by the circumstances of the times with foreigners who claimed our protection. Those gentlemen who were of opinion that the foreigners in our service, who had been killed or wounded in the peninsula, were few in proportion to the number of British casualties, he wished to reflect how small a proportion of our foreign troops were on service there. It would be found, so small a number of them were there engaged, that the proportion they bore to the British was little more than as 1 to 10. Taking this into consideration, and comparing the casualties, it would be found that the foreign soldiers in our service had suffered, in proportion to their number, full as much as the British, or rather more. It had been observed that the returns in the Gazettes differed from the returns laid before that House. This was easily to be accounted for, as the Gazettes did not contain the discharges, nor the desertions (most of which took place here); but he could assure the Committee the Gazettes were entitled to the fullest and most implicit confidence, and he knew not of one instance of intentional faithlessness in any return which they had contained. That mistakes might occur in the hurry of making up the returns after a great battle, it was easy to conceive, on the part of the officers; but intentionally they never concealed the full extent of the loss sustained, and every case received was published in the Gazette. An honourable member lamented that there had been no saving

in the estimates of this year; that was certainly a subject of regret to those who had to vote the sums, and it was no less a subject of regret to those who had to frame the estimates: but this he thought could not have been expected at a period when we were called upon to strain every nerve to offer effectual resistance to the enemy. At a time when such great efforts were demanded, a reduction in these estimates could not be looked for; and he felt it would be trifling with the House to hold out to them a hope or an encouragement to expect that any great saving, in the present circumstances of the world, could be effected. There might, indeed, be 10,000*l.* saved here, or 20,000*l.* saved there; but no considerable saving could be accomplished. An objection had been taken to the employment of the life guards abroad, because more expensive in their equipment than other dragoons. Upon the general principle which had been adopted, however, he did not see the policy of keeping up any considerable military force in the country, which should not take its chance of foreign service. It was desirable for the benefit of the country, and it served to keep up the spirit of the men. It might be true, that the life guards never had served abroad before: but the horse guards or blues had served in Germany in former wars, and they were equally a part of the household troops of the King. In addition to this general objection against the life guards, it had been said that immediately on the receipt of the news of the battle of Salamanca, cavalry which was easily equipped, ought to have been sent out to lord Wellington, to enable him to advance in pursuit of the enemy. Now, what was the state of the case? Immediately on receiving news of that action, ministers sent out, not cavalry, but a brigade of guards, and these, though sent with the utmost expedition, did not join lord Wellington till he had commenced his retreat, nor indeed, till, in point of fact, his retreat might be said to be concluded. From this it was clear that no advantage would have arisen from sending out any other body of cavalry instead of the life guards, as such assistance could not have reached lord Wellington in time to enable him to advance, nor to assist him in his retreat. In answer to the observations thrown out on the conduct of ministers, for not sending out a German regiment of cavalry, he had to state, that three out of four regiments of German cavalry in our service were in the peninsula. The observations made on the number of officers on the houshold staff, from a comparison made of the number of men now and formerly stationed in certain districts, he contended were unfair. Though we might have a smaller number of men at home than were at home in 1809, it did not thence follow that the staff ought necessarily to be smaller. The number of officers, required on the staff, was regulated by districts rather than by men. If, for instance, a general had 10 depôts, each containing 400 men, nearly as many officers would be required to transact the business, as if 800 men were at each depôt. With respect to the 10,000*l.* called for, for repairs of the Horse Guards, to which so much objection had been made, he wished to state that this included not only the repairs done at the Horse Guards, but also those which came under the cognizance of the surveyor of the Horse Guards, namely, those at the Pay-office, at one of the Secretary of State's offices, those done to the barracks at Knightsbridge, and buildings at Kew, and to certain other buildings.—The noble lord then proceeded to defend the propriety of calling out the local militia this year. On this head no diminution could at present be effected. The recruiting establishments which had been noticed were of important use, and in every respect necessary. The sum called for in aid of general Delancey's debts, he explained to be of no importance. It was taken from the public with one hand and given to them with the other, as that which was given to him before he became a defaulter, was taken back to be applied to the payment of his debts. The veteran battalions, consisting of foreigners, had been formed of invalids who were not fit for service, and whom it would have been an act of manifest cruelty, in the present state of the continent, to have sent to their own country, as the French government would, in all probability, institute proceedings against them, and perhaps put them to death. The item which appeared in the estimates for allowances to retired foreign officers, arose out of the provisions made for the Dutch officers, who had come to this country when the Stadtholder left Holland. These men, it had been thought reasonable, should hold the rank they formerly held in their own country. The item was new to these estimates, having

been brought from the army extraordinaries. Its amount was about 15,000*l.* The expence of the Military College he admitted to be great; but he contended it was an establishment of great value to the country, as he thought the cadets quite adequate to furnish the army with a supply of well educated officers. With regard to what had been urged against the Irish barracks, he thought the estimate went very much into detail: there was no statement, indeed, where those were, in what part of Ireland, nor was he prepared to state those facts to the Committee, but he would make inquiries. It should be remembered, that there was not the same facility in quartering troops in Ireland as in England: there were fewer public houses, and the laws were different there, for soldiers might be quartered upon private individuals; and it was to lighten that burden upon the civil inhabitants that barracks were to be created.—With regard to the paymaster general, so much had been said upon that subject, that he should offer no opinions of his own; but he hoped that when general plans of economy were before that House, as they were at present, the Committtee would not think it necessary to be picking out single instances upon which to exercise the spirit of reform.

Mr. *Whitbread* said, he regarded the day on which the Army Estimates were voted as an important day in every session, and he was a little disappointed on the present occasion, that none of those gentlemen who had maintained that our operations on the peninsula should be conducted upon a more extensive scale, had not come forward with some plan to shew how a greater force, and how more money to support that force, could be obtained. The object of the Committee, however, now was to see that so large a sum as 17,000,000*l.* was so expended as to make it go as far it could. The noble lord, he thought, had talked with too much levity about saving 10,000*l.* here, or 20,000*l.* there; if ten or twenty thousand could be saved any where it ought to be saved; nay, if one or two thousand could be saved, it was the bounden duty of the Committee to do it. It was said there were great difficulties in supplying the deficiencies in the army. He did not mean to go back to Mr. Windham's plan; but he would say he was firmly convinced, that if that most wise, salutary, and comprehensive mode had been adopted in all its parts and principles, no such difficulties would now be felt. It was, however, too late to think of that plan now; and all we could do was to go on from hand to mouth, and supply our wants with foreigners as well as we could.—With regard to the horse guards, he thought the explanation of the noble lord very unsatisfactory. The horse guards were not the best fitted for foreign service, and they were sent abroad; they were best fitted for home duty, and they were not allowed to remain here. He had no doubt they would fight well; they had the gallantry of Englishmen, neither more nor less, and that was enough. But so unfit were they for foreign service, that, as he was credibly informed, when they arrived in the peninsula, about fifty of the horses died in the first fourteen miles they marched. Yet their employment occasioned an increase in the estimates of 29,000*l.* And how absurd and preposterous was their equipment! But, said the noble lord, only consider what a thing it would be if they had gone out in their little cocked hats, which would be so easily knocked off, and they would be exposed, bare-headed, to the elements. Why, the poor Blues were sent off with their little cocked hats, but the horse guards were furnished with helmets, and of such a weight (for he had tried one on his own head, as matter of curiosity), that they were an infinitely greater evil than the one intended to be remedied. Perhaps, indeed, they had been altered; for change and alteration were the fashion of the day. In addition to this weight, they were furnished with a rivet and screw, for the purpose of keeping fast some ornament, and which were so placed on the inside, that if a heavy blow of a sabre fell on the helmet, it must fracture the skull of the wearer; and yet it was all done for the convenience of the soldier. He had been told, however, that by the present foolish and ridiculous manner of equipping the cavalry, the colonels pocketed 700*l.* a year, while the men lost an aggregate of 400*l.*; nor were the helmets of that use they were pretended to be. Let any gentleman pass by the Horse Guards, and look at the little straight cap, bolt upright, with no shade for the eye in sun or rain, and then judge whether the comfort of the soldier was consulted. He had seen the 10th regiment reviewed some years ago under the command of sir Charles Grey, and a finer and more fitly dressed body of men were

never seen: if a soldier equipped in the fashion of the present day had ridden through the line, the whole regiment must have burst into laughter. Another preposterous part of their equipment was the saddles. England was celebrated for its sadlery, and on the continent nothing was more eagerly sought after than an English saddle; but that which the horse guards had was any thing but a saddle: two sticks and a bit of leather composed its whole construction. He regretted to see such mummery—every Englishman laughed at them as they passed along the streets. The noble lord had called his hon. friend facetious: the board of general officers were far more facetious, for they made all England laugh every day. He could wish also that the national colour had not been departed from. All the continental troops nearly were clothed in blue uniforms: why had we adopted that colour? Many fatal accidents had happened in consequence of it. Our men, mistaking the enemy, had fallen into their hands: sometimes they had fallen by the hands of their own comrades, who mistook them for the enemy. He saw no occasion for any change. Red was the established English colour, and the soldier was proud of it. With regard to the estimates themselves, he thought they ought to be deferred. The noble lord had not satisfactorily accounted for the 10,000*l.* for repairing the Horse Guards. He had talked of buildings at Kew and barracks at Knightsbridge; but there was no distinct specification of expences. As to the barracks in Ireland, he felt much inclined to divide the Committee upon that point, if it were only to punish the negligence of the noble lord, in coming to that House unprepared with proper information on the subject. He knew nothing about them; neither where they were to be built, nor of what they were to be built, but he would enquire, and tell the House another time. The noble lord ought to wait till another time, then, before he had the money voted. He hoped his hon. friend's Resolution respecting the paymaster to the forces, would be pressed to a division, for that it was a sinecure appeared from the mouth of the noble lord himself. It was better to have one paymaster at 4,000*l.* a year, than two at 2,000*l.* a year each, for then ministers would have, perhaps, one vote the less in that House. It was perfectly within the power of the Committee to annul the office, and it would become them to shew the country that they were anxious to save the public money, and to abridge the influence of the crown in that House.

Mr. *Peel* said, he knew four of the places in Ireland at which barracks were established—Kilkenny, Newtown, New Bridge, and the neighbourhood of Dublin. No money was so well spent as that which was thus laid out, as he was confident that a great saving was effected by erecting permanent barracks.

Mr. *Whitbread* remarked, that the estimate should have contained an account of the sums expended, and likely to be expended, on each barrack, as was the case with the barrack estimates for England. As to another item of the Irish expenditure, nothing could be more galling to the public than to see sums of money voted annually to such an eminent public defaulter as general Delancy.

Mr. *Peel* said, that detailed accounts could not be expected in such cases as that of the Irish barracks. The hon. gentleman should have moved for such account in an earlier part of the session, and it would have been produced.

Lord *Castlereagh* allowed that this was the time for entering into a detailed examination of the expenditure of the army, but thought that the arguments which had been brought forward respecting insufficiency of detail, were only some of those parliamentary shifts to put off a decision on a question which were so well known to the hon. gentleman. His noble friend had not expressed his contempt of small savings, but had merely told the committee that he should deceive them if he led them to suppose that any considerable saving could be made in the Army Estimates, without as considerable a reduction of our military force. Indeed, of all the proposed savings, that which had been suggested on the local militia, was the only one of magnitude, and this could not be effected without departing from the principles laid down by parliament in its act relative to this force; that this country should never be left without sufficient internal means of defence. Of this consciousness of security the country had often during the present war felt the advantage. In contradiction to what had been affirmed by an hon. gentleman opposite, he could assert that our army was on the increase, and particularly in the British part of it. The British recruits were, indeed, sufficient to cover the deficiencies

in our army, at this time greater than at any period of our history. It was indeed a prodigy that we, who had never before had the character of a military nation, could present ourselves before Europe with 230,000 regular troops, together with a regular militia which raised that number to 300,000. This military pre-eminence was owing in a great measure to the system of recruiting from the militia regiments, which he had felt it his duty (at that time disagreeable), to bring forward. No other plan would have proved so effectual. He challenged those who differed from him in this to meet him on the subject. The rage for limited service had gone by, and out of 14 000 men who had enlisted, 12,000 had preferred unlimited service. The discussion as to the limited service, as compared with service for life, he should be ready to enter into, if brought forward distinctly. There did not appear to be in the minds of recruits so strong a rage as had been represented for limited service, as it might be seen by documents that, as he had already stated, out of 14,000 recruits, 12,000 had enlisted for an unlimited term.—Much had been said during the discussion concerning the dress and equipage of the soldiery, but this was one which he thought the House was peculiarly unfit to judge of. In support of this assertion, the noble lord observed, that though the foreign saddle was so much decried, it did not subject the horses to sore backs, as was the case with the English saddle; and though he, in common with other gentlemen, preferred the old japanned cavalry helmet to the modern brass one, yet on consulting a cavalry officer, he found, that the former, in hot countries, cracked, and consequently, in the event of rain, was immediately destroyed. After remarking that the 10,000*l.* proposed for the Horse Guards included also the repairs of other barracks, the noble lord said that he consoled himself with the thought, that the hon. gentleman who was so acute at picking holes in a statement in any line, had raised such trifling objections to that of his noble friend. The objections to the state of the office of paymaster could not bear on the expence, and as to the constitutional point, if any objection were raised on the score of influence, it should be brought on as a separate motion; it was one which could not properly be disposed of in a committee of supply.

Mr. *Whitbread* remarked, that in a Bill which he had introduced to prevent the holders of certain offices from sitting in parliament, the joint paymaster of the army was included.

Mr. *Bankes* said, that no explanatory answers had been given to the arguments of the hon. gentleman on the subject of the home staff. He would agree that they were not to judge by the amount of the staff what were the number of the troops at home; at the same time the estimates ought to be conformable to the expence. The noble lord said, it was not for the purpose of the Horse Guards, but for other purposes; then why not state the contingency fairly. They were intitled to be informed what the estimates were for. In the instance of barracks they were not told where the barracks were that were included in the estimate. Another point was not explained, why the life guards were sent abroad: they were sent at a greater expence than any force of the same nature could have been sent, when it was acknowledged on all hands they were most unfit for foreign service. Out of this estimate, in his opinion, 600,000*l.* or 700,000*l.* might be saved to the country. As to the volunteer corps, the expence of which might be estimated at 209,000*l.* there was nothing to prevent them from sinking that expence altogether, as long as the country remained in a state of tranquillity. If it was necessary to call out the local militia this year, it might be as well in the month of October as May, and in his opinion, under the circumstances of the country, the drilling for three weeks this year might be dispensed with, which would save another large sum, and by this kind of recess they would gain a great number of converts to the system, when they found they would be only obliged to drill when the necessity or danger of the country imperiously called upon them: a saving of 450,000*l.* would thus be effected. As to the point relative to the office of paymaster, it would be debated this week on the Bill which he had the honour to produce to that House. He would agree, that whenever there was an inefficient office, all times were proper to do away with it; at the same time he did not think the country would gain much by abolishing the joint office, as the business of it had so much increased, and the great attention that his right hon. friend (Mr. Long) had paid to the department would be the means of preventing others from departing from his

precedent. The situation had been divided for parliamentary and other purposes. He would, however, support the amendment; he could not do otherwise, as it was always his principle to do away with a sinecure place. Savings of 10,000*l.* or 20,000*l.* were not immaterial. They were small as to the whole amount of our taxes, but not small as to the principle. As to the Irish barrack service, he recommended the continuance of the practice of laying papers annually on the subject before the House.

Lord *Castlereagh* said, that the only expence incurred by sending the life guards to the peninsula was the raising of another troop; he thought it was but fair they should have gone, otherwise they would be deprived of the ordinary advantages of the army. The extraordinaries of a regiment of life guards on foreign service were not greater than those of any other regiment. Though it was not desirable that this heavy corps should perform the duty adapted to lighter troops, yet it was essential, in time of action, to have a body of cavalry, of such weight, and so efficient in every respect as that in question, to bear the brunt of the battle. It was by the desire of lord Wellington that they were sent in his rear to the Tagus, instead of having been forwarded by Corunna to Castile, and in that gallant general's last dispatches, he said, he had reviewed the life guards and the Oxford blues, and never saw such fine cavalry in his life. As to the saving proposed by the hon. gentleman who spoke last, as it related to the volunteer corps and local militia, there might be some, but it would be so trifling that the experiment would not make amends for it.

Mr. *W. Smith* agreed with the noble lord with respect to the local militia, and thought that in the course of 20 years, if properly kept up, it would afford the most effectual defence for the country. He disapproved of the mode of enlisting men for life, in the moment of intoxication, or under circumstances equally improper; and thought that the way to ascertain the superior eligibility of the two methods of enlisting for life or for seven years, was not to ask a man who was enlisted the other day, whether he repented of his resolution; but to ask him seven years hence. With respect to the manner in which the army was clothed, he did not see why gentlemen in that House might not form an opinion on it, when their opinion was the same as that of every man they met in the streets, as well as of the persons who were condemned to wear these trappings, only fit for a mountebank. The hon. member agreed that permanent barracks might be less expensive than temporary ones, in time of war, but contended that they would be more expensive in the intervals of peace, which he hoped would be longer than they had lately been. He considered the argument of his hon. friend near him, with respect to the joint paymastership, as perfectly conclusive. If the paymaster's duty could be performed by one person, it ought to be performed by one person.

Lord *Milton* spoke to the same effect, and in favour of the amendment.

Lord *Palmerston* explained, that what he had said with respect to small savings referred to the impossibility of reducing the great bulk of the estimate.

Mr. *Huskisson* confessed that the force of argument employed against the double pay-master-ship, would compel him to give his vote against it, and expressed a wish that the vote as to the home staff should be postponed till further information was obtained on the subject.

Lord *Castlereagh* was of opinion that the Committee could not, with propriety, postpone the staff estimate, because no material reduction could be made in that branch without injury. The number of troops in England and Ireland was very considerable, but the staff should not be proportional to the number of troops, but to the number of divisions in the districts over which the troops extended. The reduction of any part of the staff would be injurious, because it would cause a want of vigilance and regularity in the lower departments. There were not less than 130,000 men on home service in England and Ireland. This body required a large superintending staff.

The House then divided upon the proposition of Mr. Creevey,

For it	40
Against it	124
Majority	84

List of the Minority.

Atherley, A.	Duncannon, lord
Aubrey, sir J.	Fitzgerald, M.
Bankes, H.	Gordon, R.
Babington, Tho.	Guise, sir W.
Bennet, hon. H. G.	Halsey, G.
Broadhead, T.	Hamilton, lord A
Calvert, Cha.	Hornby, E.
Creevey, T.	Huskisson, W.
Campbell, lord J.	Johnstone, G.

Keck, Lee	Parnell, sir H.
Kemp, Tho.	Rancliffe, lord
Lefevre, S.	Ramsden, J.
Lemon, sir W.	Smith, J.
Lloyd, M.	Smith, R.
Maitland, F.	Smith, Wm.
Martin, H.	Speirs, A.
Methuen, P.	Thornton, H.
Milton, lord	Western, C.
Monck, sir C.	Whitbread, S.
Newman, ——	Wilkins, W.
Ossulston, lord	

The original question was then carried, and the consideration of the remainder of the Estimates postponed to Friday.

HOUSE OF COMMONS.

Tuesday, March 9.

Ilchester Gaol.] Mr. *Dickinson* recalled to the recollection of an hon. baronet a petition which he had on a former occasion presented to the House, from some persons confined in Ilchester gaol, for a riot at Bath; and who, in their petition, complained of ill-treatment. He also recalled to the recollection of the hon. baronet the circumstance of his having produced a loaf in the House, which had been sent from the prisoners confined in some jail. He wished to know whether the hon. baronet meant to proceed any further with those complaints.

Sir *F. Burdett* replied, that his time had been so much engaged by an election committee, that he had not been able to proceed further in the business of these petitions; and that he had no intention of pressing the matter any further upon the consideration of the House.

Mr. *Dickinson* wished to know whether the hon. baronet had inquired into the truth of the allegations in the petitions which he had laid before the House?

Sir *F. Burdett* replied, that the causes of the complaints preferred in the petitions had been removed.

Mr. *Dickinson* wished to ask the hon. baronet whether the loaf which he had produced had been sent from the Ilchester or the Bath jail.

Sir *F. Burdett* answered, that it had been sent to him from Bath.

Thanks of the House given to Lieutenant General Sir Stapleton Cotton.] Lieut. General Sir Stapleton Cotton being come to the House, Mr. Speaker acquainted him, that the House had, upon the 3d of December last resolved, that the Thanks of the House be given to him, for his distinguished exertions in the battle of Salamanca upon the 22d of July last, which terminated in a glorious and decisive victory over the enemy's army; and Mr. Speaker gave him the Thanks of the House accordingly, as followeth:

"Lieut. General Sir Stapleton Cotton; In this interval between the active seasons of war, your proper sphere of duty is within these walls; and we hail with pride and pleasure your return amongst us, bringing with you fresh marks of royal favour, the just reward of fresh services and triumphs.

"Descended from a long line of ancestors, whose names are recorded in the earliest ages of our history, and characterised with those qualities of prudence, generosity, and valour, which have laid the foundations of English greatness, your race has exhibited many a model of that splendid worth which dignifies the gentlemen of England, always prompt to discharge the laborious duties of civil life, and never slow to take up arms at the call of their country. Such, in an eminent degree, was that venerated person from whom you have immediately derived your own hereditary honours, endeared by his active virtues to the public men of his own times, not unknown to some who still sit amongst us, and ever remembered by myself with the sincerest sentiments of respect and affection.

"But, Sir, when the path of early life lay open to your choice, the then warlike state of the world called forth a congenial spirit, and your military ardour led you to encounter the toils and dangers of war in distant climates. Trained in the same camps, and animated by the same love of glory, as the great captain who now commands our armies, and fills the world with his renown, you have bravely followed his brilliant career, and shared in his unexampled triumphs. Renouncing the charms of ease, and the seat of your ancestors, you have gallantly gone forth to the tented fields of Portugal and Spain; and, having reaped the harvest of our thanks for your achievements in the battle of Talavera, you now stand before us crowned with the never-fading laurels of Salamanca: your squadrons, upon that memorable day, overthrowing the enemy's embattled ranks, laid open the road to victory; and the work which your gallantry had commenced, your triumphant perseverance completed.

"These heroic exploits have again entitled you to the public gratitude; and I do now in the name and by the command of the Commons of Great Britain and Ireland in parliament assembled, deliver to you their unanimous Thanks for your distinguished exertions in the battle of Salamanca, on the 22d of July last, which terminated in a glorious and decisive victory over the enemy's army."

Upon which Lieut. General Sir *Stapleton Cotton* said:

"Mr. Speaker; I cannot express how much I feel gratified and honoured by the vote of thanks which has been passed by this House, and conveyed to me by you, Sir, in so flattering a manner; I am indebted to the discipline and bravery of the troops I have the honour to command for this most distinguished reward.

"In zeal for the service, and attachment to my king and country, I yield to no man; my feeble efforts shall ever be exerted to render myself worthy of the very great honour which has been conferred upon me."

Ordered, *nem. con.* That what has been now said by Mr. Speaker, in giving the Thanks of this House to Lieut. General Sir Stapleton Cotton, together with his Answer thereto, be printed in the Votes of this day.

Army Estimates.] Mr. Lushington brought up the Report of the Committee of Supply.

Mr. *Creevey* intimated his intention, in consequence of the important business which stood for that night, to postpone until that day week, his motion relative to the second paymaster of the forces, and his deputy.

The various Resolutions were then agreed to; with the exception of that for granting 460,587*l.* 6*s.* 4*d.* for Barracks, which being read,

Mr. *Fremantle* drew the attention of the House to the item in this grant of 125,667*l.* for new barracks in Ireland, respecting which no information whatever had last night been afforded by ministers. Conceiving it highly proper that the House should be told the object and the extent of these projected buildings, he would move an amendment to suspend the grant of this 125,667*l.* by substituting the sum of 334,920*l.* 6*s.* 4*d.* for 460,587*l.* 6*s.* 4*d.* in the Resolution submitted for the approbation of the House.

Lord *Palmerston* observed, that his right hon. friend and himself had last night stated all that they could recollect on the subject of the hon. gentleman's inquiry. For several years a considerable number of barracks had been in progress in Ireland, in order to relieve the civil community from the great pressure of the troops, and to save to the public the expence of hiring buildings for the purpose. Several of those barracks were to have been completed by the end of 1812; although he was not aware whether they had actually been so completed. Another description of barracks was also in such forwardness in Ireland, as to be expected to be brought to a completion in the present year. The effect of agreeing to the hon. gentleman's amendment would be, that these works, so begun, would be suspended; and that the money already expended would be totally lost to the public. If the hon. gentleman wished for more detailed accounts on the subject he was sure that his hon. friend would be very ready to produce them.

Mr. *Fremantle* declared, that he would not press his amendment if the right hon. gentleman would assure him, that he would lay before the House all these details, which in his opinion were indispensible on the subject.

Mr. Peele having intimated that he had no objection to the production of the information required, and that the hon. gentleman might have had it before had he chosen to move for it, Mr. Fremantle withdrew his amendment.

Committee on the State of the Laws affecting the Roman Catholics.] Mr. Grattan moved the order of the day, for the House "to resolve itself into "a committee of the whole House, to take "into its most serious consideration the "state of the Laws affecting his Majesty's "Roman Catholic subjects in Great Britain "and Ireland, with a view to such a final "and conciliatory adjustment as may be "conducive to the peace and strength of "the United Kingdom, to the stability of "the Protestant establishment, and to the "general satisfaction and concord of all "classes of his Majesty's subjects."

On the motion, that the Speaker do leave the chair,

Mr. *Lushington* said, that as perhaps after the Speaker had left the chair, he should have no opportunity of delivering his sentiments on the important question then be-

fore the House, he trusted to their indulgence for a short time, while he briefly expressed his sentiments upon the subject: and he hoped, at the same time, that no accusation of intolerance or bigotry would be preferred against him, for the opinions he was about to utter. He was as sincere a friend to tolerance, when it could be safely granted, as the hon. gentlemen who were the warmest advocates of the Catholic cause, and he was confident he might say the same of the respectable clergy of the city he had the honour to represent (Canterbury.) They had, it was true, presented a petition against the claims of the Roman Catholics, but it was on the grounds he had just professed, and which were not removed by the propositions of the right hon. gentleman who had introduced the motion. That right hon. gentleman did not appear to him to have established sufficient grounds to overset at once all the land-marks of the constitution, as settled by the Bill of Rights. This fundamental law of the land had been attacked on account of the temper of the times in which it was enacted. No reference, however, had been made to the time in which, previous to that, Roman Catholics enjoyed civil power in this country; and this he considered on the part of the hon. gentlemen opposite, as a proof of discretion; for surely their conduct in those times of their power, would not have disposed the House in favour of the motion; nor had he referred the House to the example of other countries where the Catholics enjoyed political power, and where the concord and conciliation of all classes of the inhabitants had been thereby promoted. The hon. gentleman then commented on the perpetual variations in the conduct of the Roman Catholics of the present day. He was afraid that by yielding to the demands of the Catholics, the very reverse of concord and conciliation would be the consequence as long as they professed their obnoxious doctrines. The Catholics had shewn no disposition to concession. A right hon. friend of his (Mr. Canning) had proposed last session a motion in their favour, but it had been hardly carried, when the Roman Catholics declared that they would listen to no concession whatever on their side. Again, lord Grenville had announced in another place, that they were disposed to concede the Veto, but he had scarcely returned home when the same Roman Catholics denied every assertion he had made in their favour, and, as it was supposed, in their names. In this state of things it was the duty of the right hon. gentleman, before he proceeded to press the House to adopt new measures, to shew that the Roman Catholics had really and sincerely abandoned those obnoxious doctrines, which first made restrictions necessary. After the writings lately published and avowed by that society, he saw no hopes whatever of any accommodation, and in that view of the subject, he hoped that the House would agree with him that their best way was to retrace their steps. They were to go back to the Bill of Rights, and on that topic he had been astonished to hear a right hon. and learned gentleman (Mr. Plunket) whose eloquence he admired as much as any one, declare on the first night of the debate, that he saw no specific exclusion of the Catholics contained in that Act. He maintained, on the contrary, that the principle was contained in the very preamble, which stated that restrictions were necessary against them, as long as they retained the obnoxious opinions imputed to them. Another confirmation of that principle was to be found in the preamble of the 31st of his present Majesty, to grant further immunities; for that preamble stated, that whereas certain doctrines dangerous to the state and to civil liberty, were attributed to the Catholics, and whereas they were willing to disclaim the same, it was advisable to do away certain of the disqualifications by which they had been hitherto affected, on their disclaiming those doctrines. From this he conceived that it was the duty of the right hon. gentleman to prove that the Roman Catholics had utterly disclaimed those opinions, before he called upon the House to grant them farther indulgences. He was desirous of impressing on the minds of the House the necessity of ascertaining how far the dangers, against which the Bill of Rights had provided, were removed, before they did away the securities which were intended to protect the Protestant constitution and establishments in church and state. He could not distinctly see from the speeches of the hon. gentlemen opposite, the nature of the securities which were meant to be substituted; and if it were once proved to him, that they were likely to be satisfactory, no man could be more willing than himself to grant further indulgence to the Roman Catholics; he wished for nothing more than to promote concord among all classes of his Majesty's

subjects; but he was afraid that the continuation of the discussion would have no other effect but that of transplanting into this country those scenes of tumult and discord which had too often, and so lately disgraced Ireland.

The House then resolved itself into a Committee, Mr. Wrottesley in the chair, upon which,

Mr. *Grattan* rose and said, that he had thought it unnecessary and inconvenient the other night, when the House shewed the greatest anxiety to come to the question, to go at large into any reply to the arguments against his motion. He would now, however, remark upon several of them; and in doing so he thought it right to observe, that he had made an alteration in the Resolution, as it was originally proposed. It did not, however, at all alter the principle, but merely modified the terms in which it was expressed. The alteration which he was sure could not meet with the disapprobation of the opponents of the measure, was to this effect: That the House would take measures for restoring to the Catholics the privileges of the constitution, subject, however, to certain exceptions, and under such regulations as might be deemed necessary to support the Protestant establishment in church and state. This was a suggestion proposed by a right hon. gentleman, with whom, in principle, he completely agreed: and he did most willingly comply with it, not as any dereliction of the principle, but as a modification of the terms in which it was conceived. With regard to the church of Scotland and the people of that communion, they seemed to be perfectly acquiescent in the wisdom of parliament on this question. It was of great importance to his motion that he could say that the Presbytery of Scotland were not hostile to the measure of concession and conciliation. The Presbytery of Edinburgh were, indeed, against the Catholics, but that of Glasgow was favourable; and he might conclude from their not having petitioned, that the great body of the church of Scotland was friendly to the Catholic cause. Nor could it be maintained, that the church of England, generally speaking, was against the principle, though many of its members had been more active in opposing the measure, than the Scottish clergy had been; and though it might be granted that many of the clergy were not placable, yet it did not follow as a truth that the people of England were in general hostile to the communication of their own privileges to the people of Ireland. The opposition to the Catholic claims was respectable: but at the same time they had received great and efficient support. Notwithstanding the opposition, to which he would not deny the name of respectable, how were we warranted to say, that the people of England were against the motion, when so few great public bodies had expressed their opinion? If such was the case with the people of England, sure he was that the great body of the Protestants in Ireland were still less unfavourable. The most respectable of the petitions from that part of the empire also were not founded on the principle of opposition, but on the principle of security to existing establishments. He had no doubt, in short, that the weight of Ireland, both in point of property and respectability, was decidedly in favour of the Catholics.

But supposing that the sense of the nation was divided on the subject, this furnished, in his mind, a decisive argument for finishing the controversy by the wisdom of parliament: if they found the country in a dispute, it was their duty to terminate it as soon as possible. The truth was, that too many at present of those who enjoyed the privileges of the constitution, founded their arguments for exclusion on topics which affronted and insulted those who were out of this constitution; the controversy, therefore, must proceed to mischief, unless the wisdom of parliament interfered. He was convinced that many people in England, who signed these Anti-catholic petitions, did not understand the ultimate object to which they led; but were influenced by misconceptions and prejudices. If, for instance, they were asked, in plain terms, whether they believed the Catholics were enemies to liberty, and disaffected to government? he had little doubt they would answer in the negative; but, one opposition naturally begot another, and at length, by the mutual warmth of controversy, it might become a question, whether one fifth of the population was well affected to the government or not. There was no saying where such disputes might end. He regretted that so many of the clergy had shewn a disposition to place the security of the church on the principles of exclusion; by so doing, they did all that lay in their power to place it on principles which might be fatal to its existence.

With respect to the enemies to the Catholic cause, what had they done? they had petitioned for a monopoly, and said that the concession of the claims would be dangerous. It was a subject fatal to the Protestant monopoly and the Protestant church. This party were for a perpetual division, and desired parliament to exclude a great portion of the people from the benefits of the constitution—and upon what grounds—upon an argument that tended ultimately to force them out of the empire.

He would again revert shortly to the arguments that were clothed with the sacred name of the Act of Settlement. He allowed, that it was a point of the Act of Settlement to exclude the Catholics, but it was by no means an essential part which could admit of no alteration. In the Act of Union with Scotland, the oath was declared to be subject to future regulation; for it was declared, that it should remain as it then was, until otherwise provided for by parliament. This sufficiently manifested the power of parliament to interfere: and when his opponents set forth the consecration of the Act of Settlement, as an insuperable barrier, he should reply to them with this provisional vote of parliament, which declared, that the oath was not fundamental, but subject to future regulation. At the time when the union with Ireland was under consideration it did not appear that it was deemed fundamental. Some of those who were concerned in that measure were still alive and in the House; and were they now that they had attained their object, in gaining the Union, prepared to say that they looked upon that this day to be fundamental which they then allowed to be provisionary?

But the argument upon which some hon. gentlemen mainly rested, was the incompatibility of all the plans that had been proposed. His answer was, that a diversity of opinion, as to the mode of effecting Catholic emancipation, was by no means fatal to unity of principle with regard to the object. All were agreed, that the church of England, the church of Scotland, and the church of Ireland, should be amply secured and maintained. Here, at least, was concord. If you agreed that the Catholic religion was consistent with the welfare of the state, you might have different modes of conciliation, but you were agreed as to one essential point. His right hon. friend under the gallery, and himself, might think differently as to the particular limitations and exceptions; any plan, indeed, to be proposed, would of course be the subject of modification, and a matter of debate. When the House resolved to go into the Committee, they, in fact, decided that Catholic emancipation, however a question of difficulty, was not a question of impossibility. The question, indeed, before the Committee, might be comprehended under three heads: the first was, set at liberty the Catholics; the second, establish the church, by every requisite security; and the third, impose no conditions incompatible with the Catholic faith. These were the heads of what he should have to propose.

It had been said, that Mr. Pitt had sunk under the difficulties which the subject presented; and as a proof of this, it was added, that he never had communicated his plan. But it was certain, that Mr. Pitt went out of office in 1801, not because his plan was impracticable, but from other well-known obstacles. He did not think so in 1799 or in 1800, and from his communication through the late marquis Cornwallis to the Catholics, it did not appear that he deemed the measure impracticable in the following year. That distinguished man on this very occasion, sent the letter he alluded to, to the Catholics of Ireland, in which he told them, that "by acting with moderation, and pursuing a loyal and dutiful line of conduct, they would afford additional grounds of argument to the growing number of their advocates in this country, till their object was ultimately attained." Such was the language of the letter which Mr. Pitt caused to be transmitted to lord Fingal, Dr. Troy, and others. What, again, did the marquis Cornwallis say on that very occasion? He gave his formal opinion, annexed to the same communication, that the measure of emancipation was necessary for securing the connection between Great Britain and Ireland. Again, when the question was brought forward by Mr. Fox, in 1805, there was nothing in the language of Mr. Pitt to shew that he considered the measure impracticable. He said, there was a bar to its agitation, the nature of which was sufficiently understood,—but never that it was impracticable. He differed as to the right, but not as to any thing that concerned the question as a measure of regulation. He even alluded to the plan which he had entertained, as

consisting of a variety of regulations. Nine months after this period, Mr. Pitt died; so that we were now called upon to believe that what he contemplated as practicable for six years, within these nine short months he found out to be impracticable. But what were the difficulties under which the great mind of Mr. Pitt was supposed to sink? Why, they were the difficulties of promoting meritorious Catholic officers on the staff of the army; of admitting such men as lord Fingal into the House of Peers, and as sir P. Bellew into the House of Commons! These were the mighty difficulties under which his mind was supposed to have sunk, who had the ability to destroy 70 Irish boroughs! There was a difficulty started in the Irish parliament, at the time when it was proposed to grant the Catholics the right of voting at elections,—it was then said that an inundation of Popery would sweep away every thing before it. But what were the effects of this restoration of Catholic rights? Ireland had evidently gained by it; the elections were more free and independent; they were now founded not on monopoly, but on property and respectability.

In addition to Mr. Pitt, he begged leave to name Mr. Burke, Mr. Fox, and Mr. Windham, distinguished statesmen and philosophers, as strenuous supporters of the Catholic claims. He might also enumerate men of learning like the bishop of Llandaff and the bishop of Norwich, a name that would be ever respected, and which was dear to every friend of religious liberty and social freedom. It was also remarkable that the lord-lieutenants of Ireland, for the last 70 years, were uniformly in favour of them. Lord Fitzwilliam was decidedly so; lord Camden, who went over to Ireland with opposite sentiments, and who lived in that country at a most trying time, when he could not avoid knowing the opinions of the Catholics, was ultimately for concession: he, too, was the friend of Mr. Pitt, and might be supposed not unacquainted with the sentiments of that illustrious person: lord Cornwallis publicly declared it essentially necessary for preserving the connection between Britain and Ireland. This was the practical conclusion formed by a statesman and a soldier, at a most critical period of Irish history, and was entitled to the utmost respect. Lord Hardwicke did not go over a friend to the measure; but after some years' residence as lord lieutenant, he altered his opinion, and now supported it by his vote. His right hon. friend the late secretary for Ireland (Mr. W. Pole), had at first opposed the Catholic claims on account of the obstacles that existed in certain quarters to the granting of these claims; but when, by the removal of the restrictions on the Prince Regent, such obstacles were done away, and after his right hon. friend had derived from a five years' official residence in Ireland, a high degree of experience on this subject, he had voted in favour of the Catholics, and had stated, that in his opinion the country could not do well without some measure of the kind. He had, for this, been charged, and in his opinion unfairly, with inconsistency. His right hon. friend's mind was not stationary like the minds of those who made this silly charge. He shewed that it was progressive; and he was right, for time and circumstances had operated very powerfully in favour of the Catholic question particularly.

There was a time when Roman Catholic emancipation would not have been heard of without horror; but the intenseness of the prejudice, as had been stated by an hon. gentleman on a former night, and it was a word of choice selection, the 'intenseness' of the prejudice had been weakened. Those professing the two religions had advanced much nearer to each other in spirit; so that though they still differed on points of faith, they were much more likely than formerly to coalesce in other respects. He intended then to propose Resolutions,—first, that the Catholic disabilities should be removed; second, that the establishments in church and state ought to be effectually secured; and he should then propose regulations for the ecclesiastical courts, and other matters, and an oath against foreign influence. It might be demanded of him to state the regulations; but he would not, and for this reason, that under pretence of opposing these regulations, some gentlemen would oppose the principle. He would only say, that if any gentlemen on the other side proposed any regulation of security not trenching on the Catholic religion, he would support it, for he valued the principle so much, that he would not be that fool to lose it by precipitation and punctilio. His object was to lay the seminal principle of making the inhabitants of the empire an united people. The language we ought to hold was, we are friends to your liberty, and to our own re-

ligion. Suppose he was to introduce a clause into the preamble of his Bill, saying, it was necessary that the Protestant succession should be secured, in order to obtain the concurrence of some of those who opposed his measure.—Would they not then admit that to be provisional now, and not fundamental, which they formerly, in their comments on the Bill of Rights, contended to be fundamental, and not provisionary? For his own part, he must say, that he valued the principle too much to surrender or lose it for reasons of regulation. If once admitted, it would make the empire one—for it was a principle of union and regeneration.

If the Resolutions were agreed to, he should then move for leave to bring in a Bill; but he was not desirous of precipitating the measure. He thought that time ought to be given for the spirits to cool,—that they should not legislate without consulting the feelings of the people; and that in the mean time, they should repose upon the good sense of both countries, and not take any step that should deprive the cause of the benefit of that good sense. It might be asked, why the Catholics did not protest against the violence of some of their own body? The answer was, that parliament had not given them encouragement. But when the arm of parliament should be once stretched out to the Catholics, there would be many wise and moderate enough to embrace it. By thus evincing a conciliatory disposition to the Catholics, parliament would at all events shew that the fault did not remain with them, if the measure should be unsuccessful. Let them send out the dove, however, and they might depend on his bringing back the olive branch. The right hon. gentleman concluded, by moving

"That with a view to such an adjustment as may be conducive to the peace and strength of the United Kingdom, to the security of the Established Church, and to the ultimate concord of all classes of his Majesty's subjects, it is highly advisable to provide for the removal of the civil and military disqualifications under which his Majesty's Roman Catholic subjects now labour, with such exceptions and under such regulations as may be found necessary for preserving, unalterably, the Protestant succession to the crown, according to the Act for the further limitation of the crown and better securing the rights and liberties of the subject, and for maintaining inviolate the Protestant episcopal church of England and Ireland, and the doctrine, discipline, and government thereof, and the church of Scotland, and the doctrine, worship, discipline, and government thereof, as the same are respectively by law established."

The Right Hon. *Charles Abbot*:

Mr. Wrottesley;

The right hon. gentleman who spoke last (Mr. Grattan) having truly stated that our present discussion may be considered as the continuation of the former debate upon the question, and the Resolution in your hand as the basis of the whole measure proposed for our adoption, I am desirous of taking the earliest opportunity in my power, to enter my warning protest against the course hitherto pursued, as well as against the measure now proposed; and at the same time to state such other course as in my opinion might advantageously be taken for enlarging the privileges of his Majesty's Roman Catholic subjects, without endangering the general fabric of the constitution

And, Sir, in the first place, looking back to the mode by which we have arrived at the Committee, I cannot think that its result will be successful. The object for which the House was persuaded to enter into this committee, was to discuss the details of three different plans, the first of which is already abandoned, the second will satisfy no party, and the third is admitted to be impracticable.

The first plan was for unlimited and unconditional concession, as urged by the Irish Roman Catholics in their Petitions; but this claim of right for absolute and unconditional emancipation (as it is termed) has found but few advocates in this House; it has been abandoned by the right honourable mover of this great question, and disclaimed also by the right hon. gentleman (Mr. Plunkett) who supported the motion with such distinguished eloquence and ability upon the first day of these debates. It has now no longer any persisting advocate.

The second plan was for qualified concessions, with some legislative control over the Roman Catholic clergy; this is apparently the plan of the right hon. mover, so far as hitherto explained; and it is undoubtedly the plan of the right honourable gentleman (Mr. Canning), who obtained from the last parliament the pledge for entering upon its consideration.

But this plan is resisted by the Roman Catholics themselves; for they call it persecution, and inadmissible control; they refuse even to subject their church discipline to state inspection; as we may collect from the Declaration of the Roman Catholic prelates at Dublin in November, 1812, and also from the explicit language contained in the publication of Mr. Clinch, whom they have avowed and adopted by a formal resolution as their advocate and champion.

And as this plan is also acknowledged to involve a repeal of the Corporation and Test Acts, such concessions will on the other hand dissatisfy the Protestant Church of England; so that if the Roman Catholics are not gained, and the Protestants are dissatisfied, the whole professed object of conciliation is lost.

The third plan, that of the noble viscount (lord Castlereagh) is for bringing the Roman Catholics within the reach of political power, with safety to the Protestant establishment, by obtaining the sanction and concurrence of the head of the Roman Catholic church, to such arrangements as shall be satisfactory to both parties. But this is admitted at the present time to be wholly impracticable, if desirable, and may be fairly laid out of the question for all present purposes.

Such then are the three plans of which the different supporters have all concurred in voting for this committee; but where two parties out of three cannot attain their object, and the third party are by no means agreed upon its extent, or upon the mode of executing it.

With respect to the measure itself, as now proposed, I object altogether to its form and character. We are required to begin with a sweeping repeal of all known securities, upon the faith of other securities as yet unknown. Our surrender is to be instant and nearly entire; the provision for self-defence is to be subsequent and precarious.

What is the proposed grant, when drawn out into particulars? The doors of both Houses of parliament, of the privy council, of the judicial bench, and all corporate magistracy, are at once to be laid open; and the Test Act in England, which the Prince of Orange expressly insisted upon retaining at the Revolution, is to be abolished. All these are fearful changes. For old checks, as it appears to me, may nevertheless be good against new dangers; and what protected us at one time from a pretender to the throne, may not be useless at another time against the domestic disturber, or the foreign invader and subverter of empires.

Then as to the securities.—We are told that we have the present oaths, and that we shall have some control over the Roman Catholic clergy and their foreign intercourse. Of the oaths I do not mean to speak lightly, or of the conscientious sense in which they may be taken by honourable men. But we cannot be blind or deaf to all that is to be seen and heard upon this subject. We see in England no very great eagerness to take these oaths, if we may judge by the recent statement of the oaths taken by Roman Catholics, and returned to the privy council under the act of 1791; for during the last ten years there appears to have been but one solitary instance. And however specific the language of these oaths and asseverations, there have not been wanting many explanatory distinctions to do away their effect: some are said to be solemn and serious, some serious but not solemn; we have some that are active and some that are passive; and in Ireland, the hon. baronet opposite to me (sir John Hippisley) well knows that ecclesiastical monitions have been issued to warn the Roman Catholics from unwarily thinking these oaths more extensively binding than they really are, and from supposing themselves too much under the necessity of forbearing to weaken and disturb the Protestant church and government. With respect to the control and regulation of the Roman Catholic church, without which it is said that no act of concession should be allowed to operate, and until which takes place we have been advised that all privileges if granted should nevertheless be suspended in their operation, would it not be more rational to begin with the Regulating Bill, and see whether the Roman Catholics will accede to any regulation whatever? For if not, the whole proceeding in the way of conciliation is worse than nugatory.

The consequences, however, of such a Bill, even if proposed to lie over for consideration to another session of parliament, will not be indifferent; it will naturally give exaggerated hopes to the Roman Catholics, which cannot be ultimately fulfilled, and it will spread universal dissatisfaction through the established church, and hold out the prospect of perpetual conflict and agitation. For I think no

maxim more false or dangerous in policy, than that which has been advanced in support of measures like the present, that by adding to the power of those who are hostile to our establishments, we may hope to abate of their enmity.

I shall then be asked, can I think that matters ought all to remain on their present footing, or do I believe that they can so remain?—I have never thought so; I have often said otherwise to those with whom I have communicated upon these subjects. There is much to be done every way.

But my views are different from those of the present proceeding, both as to the measure, and the mode. The measure must not be sweeping and violent, and the mode must be distinct and gradual. The temper of this country, in great concerns of legislation, is happily slow and cautious; the people are not unwilling to consider of useful changes, but they are not disposed to the hazardous adoption of wholesale projects.

There are several important changes for which I am prepared, useful to the state as Protestant, and useful also to the Roman Catholics, which nevertheless would not alter the fundamental policy of the constitution. Some are of concession, some of regulation.

In the way of concession, adverse as my principles are to admitting the Roman Catholics into offices of civil power, authority, or jurisdiction, I should gladly open to them a larger and more liberal share in the honours of the military profession. The Roman Catholic officer should rise as freely to military rank in every part of the empire as he may by law in Ireland; the military system in this respect should also be made uniform and complete for all his Majesty's subjects of every religious persuasion. Beyond this I should be glad to see a repeal of that part of the law of 1793 which excludes Roman Catholics from the situation of generals on the staff; for I would place within the reach of their honorable ambition all the high ranks of military command, excepting only the very highest commands at home; and I except those only because they have necessarily in their hands great political power.

I state this as an instance of concession involving no transfer of power, though it confers high rewards for honorable exertion in the field; and I would apply the same principle also most freely to the honours of the bar; nor do I believe that concessions of this description, if asked for, would in either case be denied.

Again, the toleration of the Roman Catholic religion should be rendered more complete in points of which the Roman Catholics may now reasonably complain. The rights of the Irish Roman Catholic soldier to his own religious worship in England should stand upon law here, as it does in Ireland, and not merely upon military regulation. The English Roman Catholic should not be compelled to marry in Protestant churches. And the Roman Catholic mass houses every where should be protected by law from outrage and disturbance as completely as all other places of religious worship.

All these are instances illustrative of that description of privileges and protections which in my judgment might safely and usefully be granted at once, and without stipulation or condition.

On the other hand, measures also must be adopted for regulating the Roman Catholic church, independently of every question of concession, and whether any further privileges are granted or not. The hierarchy of the English and Irish Roman Catholics must be brought within the inspection and control of the state. Parliament has been compelled to look into this subject, and the conclusion is irresistible.

Foreign intercourse, and even foreign influence, are alledged to be of the essence of the Roman Catholic religion; and the master-link of foreign connection is in the hands of our mortal enemy. The noble viscount has told us the opinion formed by the most vigilant ministers of France, and the recent acts of Buonaparté demonstrate his opinion of the important influence of papal authority over all Roman Catholics. In Ireland, all who have read the instructive publications of the hon. baronet, know that in modern times even aliens have been obtruded and appointed to Roman Catholic bishoprics there, and when general Humbert invaded Ireland, and landed at Killalla, he found that the Roman Catholic bishop of Killalla, appointed by the Pope, was brother to a rebel general in his own army. These things must no longer be endured. And that the vicars apostolic of England must also be brought within the cognizance of the state, is most evident from the formidable nature of their powers which they exercised in the transactions of the year 1790 over the English Roman Catholics.

Upon this point, if the Roman Catholic prelates in England and Ireland have any desire to conciliate their Protestant fellow subjects, the road is now open to them; this is their day; let them come forward and define the limits of their obedience, and tender the largest submission which any other Roman Catholic subjects have ever yielded to any Protestant government. If they decline so to do, their disposition will be no longer doubtful. But at all events, whether they do or not, it behoves government to look to its own security in this quarter, and new model the provisions of the statute of Elizabeth, and apply it to all parts of the united kingdom, before even any proposal can be entertained for putting the English and Irish Roman Catholics upon a footing of equal privileges.

As to further claims of civil power, I confess I see no prospect of making any such concession until the Roman Catholic clergy shall go much farther, and bring themselves to the temper of other Roman Catholic countries and times, where the spiritual supremacy of the Pope has been altogether renounced; for history shews it to have been no part of the ancient Roman Catholic religion; and it is vain and idle to be fastidious in declining to understand these matters with which we have practically to deal. Whilst the spiritual supremacy of the Pope is reserved by the Roman Catholic clergy out of their allegiance to the state, in the language of lord Clarendon, who had deeply examined, and has amply developed this subject, "this reserve is elusory of the whole." Other able writers have truly described it to be "a mere legerdemain." And until this is renounced, I would answer the Roman Catholic claims for power in the recent language of the northern counties of Ireland, "If you cannot give up what you call your faith, we cannot give up what we know to be our constitution."

With respect to these points, on which I have taken the liberty of suggesting the expediency of a larger admission to honours, and a stricter regulation of allegiance, all these, in my humble judgment, demand our early and serious attention; but they stand clear of all encroachment upon the civil and political power of this Protestant state, and therefore this committee is not the proceeding out of which they should originate.

The Petitions before us, the discussions which have preceded and attended them, and the origin of this committee, are all too hostile in their aspect, and too lofty in their pretensions; and if allowed to go to their professed and intended length, would speedily endanger the public tranquillity; and England will no longer be England, if all religious distinctions in the state are to be laid prostrate, for the vain and chimerical scheme of establishing the rights of what is called universal religious liberty, uncontrolled by maxims and considerations of civil expediency, and unchecked by the necessary defences of our establishments.

For these reasons, readily as I should concur in any or all of the separate measures which I have suggested, when brought under our separate consideration, and in another course, I must give my decided negative to the general sweeping and subversive principles of the proposition now laid before us.

Mr. *Ponsonby*, with the most perfect respect for the right hon. gentleman, could not but say that he seemed completely to have misunderstood the nature of the Resolution, and it was in order to set him right he was anxious to address the House.

The Resolution did not propose any thing which could at all prove subversive of the establishment, but, on the contrary, while it went to relieve the Catholics, coupled the measures resorted to for that purpose with securities for the protection of the establishment. His right hon. friend had declined going into detail, and indeed it was not incumbent on his right hon. friend, in the present stage of the matter, to state what those securities would be. It was sufficient, if any hon. gentleman was not satisfied with the securities proposed by his right hon. friend, that he had it in his power to superadd such further securities as he might think necessary; and it would be for the Catholics to accept of what was offered to them under the conditions on which the concessions were agreed to be granted, or to reject them. The House had a right, if they admitted them into the constitution, to ask of them to assent to such securities as they thought proper to annex to their grant. The right hon. gentleman (the Speaker) had alluded to three plans, all of which, he said, had been proposed to the House, and successively abandoned. He (Mr. Ponsonby) declared he did not know of any such plans. The first described

by the right hon. gent. was one of unqualified concession. He was not aware that any plan, the basis of which was unqualified concession to the Catholics, had ever been proposed in this House, and if never proposed, he did not see how such plan could ever have been abandoned. The second plan talked of by the right hon. gentleman, was a plan with securities, and this he would also have it understood was abandoned, because his right hon. friend (Mr. Grattan) had not stated what those securities should be. These, however, his right hon. friend was willing to leave to the House, and to accept of the concessions to the Catholics even under more severe restrictions than he himself might think called for, should the House be of opinion that such were necessary; this he had emphatically stated that night, and that he would go far to secure the principle. How then, he would be glad to know, could it be said that his right hon. friend had abandoned a plan that he had never proposed, or that he had not proposed securities to accompany concessions, merely because he had not defined them. The third plan spoken of, was one said to have come from a noble lord (lord Castlereagh) which he should leave it to that noble lord to state, as he did not understand one word concerning it; but of the plans of his right hon. friend (Mr. Grattan), he contended that one had never been proposed, and that the other had never been abandoned even in idea. The right hon. gentleman said he would give honours to the Catholics, but he could not agree to concede to them political power. This, however, the legislature had already done, and it was extraordinary that it should now be thought incumbent on them to stop. If it was so dangerous, why had it been granted? and as it had been granted, he did not see exactly why the House should stop at that particular point. But the right hon. gentleman said he would willingly give them every noble distinction; he would give them the whole of the army, except the office of commander in chief; and he would also allow them to rise to all the honours and dignities that could be attained at the bar. He wished that those had been known to be the sentiments of the right hon. gentleman years ago; if so, he was certain the University of Oxford, which that right hon. gentleman represented, with so much honour to himself and advantage to the nation, would not have lent itself to the cry that the Church was in Danger, merely because a bill, founded on opinions, and for objects similar to those to which the right hon. gentleman had declared himself friendly, had been brought in. The University of Oxford, he was certain, would not have lent itself to such a cry, and that, too, to the destruction of an administration merely because such a bill as that had been introduced, had they been aware that such were the sentiments of their highly esteemed and respected representative. But, he asked, would that right hon. gentleman give to the Catholics all the honours of the army, and all the honours of the bar, and yet expect that they could keep from them political power? Would not the opening to them the way to the honours in which the right hon. gentleman saw no danger, render them more impatient for the attainment of political power, which he was of opinion ought on no account to be conceded to them. Grant them these honours, and would it be possible to keep political power from falling into their hands? Having attained the highest honours of the bar, would they not naturally look to seats in that House as affording the most legitimate vent for their abilities? And if shut out from that House, must not the disability be found the more galling, and the establishment be thus more peculiarly endangered? If power was so very dangerous in their hands, he did not know by what lucky chance they had obtained the small portion they now possessed. The right hon. gentleman quoted the authority of lord Clarendon to shew that the spiritual and temporal power of the Pope were the same; but he wished to know, who made lord Clarendon a judge of this, more than any other Protestant? Was it not more reasonable to take the opinion on this subject of persons professing the Catholic faith? It was the first time he had ever heard of a Protestant being set up as the perfect judge of the faith of a Catholic. What said the parliament of this country on the subject? Had it taken the opinion of lord Clarendon or of the Catholics themselves as affording the best evidence of the fact? They had taken the latter; and with this interpretation of the matter the right of suffrage had been conceded to the Catholics, without any denial on their part of the spiritual supremacy of the Pope, and, notwithstanding the opinion of lord Clarendon was, no doubt, highly estimated by the University of Oxford,

and consequently by the right hon. gentleman, yet, he hoped, that opinion was not to decide the question. But the right hon. gentleman said, the claims of the Catholics ought never to be conceded to them till they were willing to make concessions on their part. He presumed the first of these would be that the Pope had no spiritual power of supremacy? They must disclaim this, or the right hon. gentleman could never consent to give them any political power! Why, from the moment they did so, they must cease to be Catholics. What was this but saying that we would admit them into the pale of the constitution notwithstanding their being Roman Catholics; but then, the first thing they must do, to entitle them to this privilege, is to surrender the very principle which we build on as the ground-work of the exclusion! therefore it was a mockery, an insult, to offer them concession on such terms—on condition only that they should abandon their religion.—The right hon. gentleman did not appear to be aware of the extent of his proposition, for he affected to concede something which he made it impossible for them to receive.—Let us not deceive ourselves or the Catholics on this subject—let us assume no mental disguise—let us practise no equivocation or mental reservation, and suppose that in doing what the right hon. gentleman proposed, we made any concessions to the Catholics—for if we so acted, all we did amounted to this—"We will make concessions to the Catholic only when they cease to be Catholics." This would, in fact, be the case; and if we waited till the Catholics denied the spiritual supremacy of the Pope, before we made the concessions now demanded, we conceded to them nothing. But what reason, he would ask, could there be, why the Catholics should give to parliament securities till they offered to them those concessions which they were willing to grant? The course to be pursued by the House was, to tell the Catholics plainly what it was inclined to grant, and it was for them to accept or reject the proposition; but in case they did not accept of what the House might think proper to offer, was the House then bound to proceed in the measure? If concessions were agreed to, and the exceptions and exclusions marked out, should any disposition to object to the plan be manifested by the Catholics, would the House be bound to complete the arrangement? He imagined not—if the Bill had been brought in and read a second time, would they be obliged to go through the committee? Certainly not. He wished the House to look at the absurdity of retarding the measure in its progress, lest the plan should not ultimately be agreeable to the Catholics. If the concessions were held out to them, under certain conditions, then the Catholics would know on what footing they stood; and would have it in their power to accept of what was tendered to them, or not, just as they thought proper. But was parliament bound to make concessions if they would not accept of them? What bound down, or fettered the House, if the Catholics would not accede to their offer? Suppose his right hon. friend to obtain leave to bring in his Bill, and that the claims of the Catholics should be granted under certain conditions and restrictions, if the Catholics did not submit to the conditions, neither could they be entitled to the concessions. It was not, continued the right hon. member, intended to propose unlimited grants; it was intended only to obtain from parliament a gracious disposition to listen to the complaints of the Roman Catholics. Neither was it the intention of his right hon. friend to compel parliament to make the whole advance, while no advance was to be made by the Catholics. The proposition of his right hon. friend (Mr. Grattan) was widely different from that which it had been described to be; it was a most wise, just, and judicious resolution, to obtain a gracious declaration from the House to the Catholics, that it would take their case into its most serious consideration, but without pledging the House to any specific measure. His right hon. friend had not gone into the whole matter in detail, because, as he had stated, that would be better done in the progress of the Bill; and because he did not wish to appear as if he were dictating to parliament. He was as little inclined to canvass the question minutely, as any one; but it was impossible to sit down under such great authority as had that night declared that it was safe to grant high honours to the Catholics, but dangerous to admit them to the enjoyment of power. If honours were granted, power must follow; the more there was granted to them, the more they would desire, and the more they would be enabled to gain what they desired. To suppose the reverse was a dangerous fallacy. He would not say more at present, but he could not hear the pro-

posal of his right hon. friend misrepresented, without rising to say a few words to explain the nature of the proposition.

Sir *J. C. Hippisley* rose and said :

I think that the Committee will be of opinion that it is my duty to avail myself of the earliest opportunity to obey the call which has been pointedly made upon me by so distinguished a member, (the Speaker*). I must, however, avow, that I do not participate in his apprehensions of danger from the influence of a foreign supremacy, merely in spirituals. On every occasion when the question of the Catholic claims has been agitated in this House, I have uniformly maintained this conviction :—contending at the same time for those substantial regulations and restrictions which the wise policy of our ancestors, from the earliest period of our history, and, indeed, which the wisdom and policy of every other state of Europe, of whatever religious communion, have most sedulously prescribed.

Agreeing, as I do, with the right hon. mover of the Resolution upon many points, in looking to the same end which the motion now before the Committee holds out to us, I do not agree with him as to the means by which it is to be attained ; and I shall think it my duty, in the course of the proceedings of this Committee, to propose that measure, which I have ever considered to be the only practicable measure, calculated to produce a satisfactory result, I mean, Sir, that having gone into the committee of the whole House, as a preliminary step, necessarily enjoined by the standing orders, the chairman should be instructed to move the House for the appointment of a Select Committee, with the usual powers, which alone appears to me to be adequate to such an investigation as may form a substantial basis of ulterior legislation.

On what *data*, let me ask, are we now to proceed to legislation ?—Has a single paper been laid upon the table that conveys any information on the subject ?—We have heard most eloquent and argumentative speeches from my right hon. friend, the mover of the Resolution, and from other gentlemen, who have repeatedly supported the same principle : We have heard also their speeches opposed by others of great force. A right hon. and learned gent. (the member for Armagh) who in the course of this discussion, on former occasions, has produced documents which, unexplained, would, *primâ facie*, arrest our progress at the very threshold, will probably resume the same course in this committee. It is necessary to repel such documents in a manner not merely to satisfy the committee, but that the impression should also go forth to the country, that the disqualifying accusations, which have been so industriously prosecuted against our fellow subjects of the Catholic communion, in every part of the kingdom, and which every member of this House receives gratuitously, from hour to hour, should also be satisfactorily repelled, before we can proceed to any act of legislation compatible with my view of the motion now proposed to the House.

If I am asked what should be the course of proceeding in such a committee, as I could wish to see adopted, I would say it should be this: the committee should be instructed to inquire into the existing laws, bearing upon his Majesty's Roman Catholic subjects of the United Kingdom: is it, let me ask, within the ordinary scope of the enquiries of gentlemen sitting in this House to wade through the almost bottomless gulph of our statute books, to enable them to discuss this question satisfactorily to themselves and advantageously to the public ? He who attempts the labour would find difficulties, much surpassing his patience. It is true that a compilation has been drawn up entitled "A Statement of the Penal Laws affecting his Majesty's Roman Catholic subjects in Ireland," and a similar compilation has been also given to the public by another professional gentleman, stating those laws which more immediately affect the Catholics of England : but will the parliament of Great Britain place an implicit confidence in either ? Confidence, I mean, to the extent of absolutely governing its legislative enactments upon the basis of those statements.

With respect to the "Statement of the Penal Laws affecting the Catholics of Ireland," we have read that it has been sanctioned by a great aggregate assembly; the book, in two parts, has gone forth into the world, passed through many editions, and is probably in the hands of many of the members of this House. I must say that I lament that the text of the law should have been so much overwhelmed

* The Speaker referred to sir J. H. on the subject of the oaths prescribed to be taken by the R. C. Toleration Acts.

with the commentary; in my judgment it would have been sufficient, merely to have pointed out the laws pressing upon the Roman Catholics, especially avoiding all the acrimony of commentary which spreads through and overwhelms the Statement. If I am to regulate my opinion of the accuracy of the text by the correctness of the commentary, I must withhold my confidence. I recollect, in one part of that work, the compiler recites a conference with a noble lord, who he tells us had a conversation with the present Pope: in that interview the Pope is represented as complaining of the treatment he received from this country, contrasted with other states—"Every other state," exclaimed his holiness, "sends to me their ambassadors—their envoys or their ministers—your country alone refuses me that courtesy." Whatever might have passed between Pius 7, and the noble lord alluded to, I must be permitted to entertain my doubts of the accuracy of the representation; for I contend that it is a fundamental principle of the See of Rome that no ambassador, envoy, or minister shall be received, who does not come accredited by a Roman Catholic state. I know that Russia, Prussia, and Sweden has agents at Rome both for commercial purposes, and for communications with the Datary, but they are not accredited representatives of their sovereigns. This assertion I make not merely from the general notoriety of the fact, but on the authority of the instructions drawn up by order of Pius 6, for the conduct of a prelate, sent into this country in 1793 — the late cardinal Erskine. In those instructions was an article expressly stating that it was the fixed policy of the court of Rome to allow of no diplomatic representation from any Non-Catholic prince. A copy of these instructions were transmitted to me by the cardinal's secretary of state, by order of the sovereign pontiff himself, but I now refer to them merely to shew the facility with which the compiler of the Statement gives currency to error.—I will not detain the committee by pointing out other errors, though I might state one, indeed, not very courteously, indeed I might say very coarsely, directed against myself. But this Statement, however accurate in other respects, I contend is not an authority to supersede the investigation of a committee, which alone is competent to examine and report the state of those laws, which must be clearly in our view, before we can adequately legislate on this important question.

Another part of the useful labours of such a committee would be to ascertain and authenticate the answers to the questions submitted, at the instance of Mr. Pitt, to six of the Catholic universities.—The right hon. and learned member for Armagh, has, more than once, asserted that those answers rest merely on the authority of a private individual—the late Dr. Hussey,—this is not the fact—two prelates of the Roman Catholic communion are now in the kingdom, whose attestations under their own hands are in my possession, and which, together with the attestations of the surviving members of the committee in communication with Mr. Pitt, I had the honour to lay upon the table of this House, though not authoritatively, in the course of a former debate; a course which was afterwards taken by an illustrious personage, in another place. I consider it therefore as a matter of no light interest to have these answers authenticated, as scarcely any document of more importance can be produced in favour of the integrity of the civil principles of Roman Catholics as subjects of a state, not in communion with Rome.—I mean and contend that the integrity of their allegiance is in perfect consonance with the doctrine and discipline of their church, though it may have often been at variance with the principles of the court of Rome.

Again, the resolutions of the four metropolitan and six senior Roman Catholic bishops of Ireland, transmitted to the noble viscount on the treasury bench in 1799, is a document which ought to be officially substantiated. How often have we heard that arrangement misrepresented, both within and without the doors of parliament. The decryers of the measure contend that the resolutions were voted in what they call the reign of terror, though the contrary can be proved to be the fact. I regret I feel myself so often constrained to go over the same beaten track—but it is but too necessary.—Resolutions proceeding from such authority and recognising the principle of the fitness and justice of the interference of the executive government, in ascertaining the loyalty of any individual proposed to fill a vacant Roman Catholic see, ought to be fully ascertained upon the records of such a committee. I have no hesitation in saying that I think the end proposed by those

prelates might have been obtained by means more consonant to the feelings and credit of the Roman Catholic clergy, than by those proposed.—The prelates proposed to go the length of a canonical election before they intimated to government the name of the individual who was in their contemplation, and if that individual was afterwards objected to—he was thrown back upon the second order of clergy, and the prelates proceeded to a new election. The obvious inconvenience and painful result to the individual rejected, might be readily obviated by submitting to government, in the first instance, a list of all those persons whom they considered eligible, and proceeding to election from the reduced list, should it happen to be reduced, which I should conceive would very rarely or ever be the case in future. By adopting such an arrangement there would have been no necessity, even upon their own principles, to have consulted the see of Rome before they applied for the faculties of institution.—A sketch of regulations which I drew up on this principle I have heretofore observed was severely animadverted upon by Mr. C. Keogh, in a pamphlet which suggested, what he considered a more advisable mode, which was that of a Veto upon the election of the bishops, exercised by all the Catholic population, "simul-"taneously polled in all the parishes."—Such was the Veto of Mr. Keogh.

My right hon. friend the member for Liverpool has adverted, and much to my satisfaction, to the necessity of adopting a regulation of which I have uniformly been the strenuous advocate, namely, a controul upon the intromission of pontifical bulls and rescripts. I have ever considered a regulation of this description as offering a much greater security in itself than an original controul over ecclesiastical nominations, and highly necessary to accompany it.—In looking to the adoption of such a regulation I have the authority of every Catholic state in Europe, as well as those of the reformed churches.

In the last recess of parliament I represented to the noble viscount on the Treasury-bench, with whom, as I have before stated in this House, I had the honour of being in correspondence on this subject anterior to the Union, that I was anxious to receive further information through the medium of his Majesty's ministers, accredited to such courts with whom we retained any foreign relations. His lordship obligingly acceded to my request, and all the answers I have received to the questions transmitted to them have completely verified the information I before obtained, and added many highly interesting facts. The right to the crown both as to nominations to the episcopacy, and a controul over all papal rescripts, is still scrupulously adhered to in the kingdom of Sicily: a royal dispatch of the 22d Feb. 1779, extended the power so far as to prevent any of the king's subjects applying to the see of Rome for briefs of dispensation in the first instance, without the consent of the king, and also extended to all monastical orders in points of government. The court of the Monarchia, in Sicily, which has supreme jurisdiction in ecclesiastical matters, is regulated by a judge of his majesty's nomination. It would here be too tedious to enter into the details of those regulations, which secure the crown and the subject against any encroachments of a foreign jurisdiction even in spirituals. Similar regulations obtain at the present hour in Portugal—the same in Spain. The Gallican church we know was protected by a corresponding institution, and as far back as the year 1142, the Supreme Council of Provence enacted "that no rescript from the See of Rome should be permitted to be executed within the state, till it had received the fiat of the proper officer of the government."—In a word the universality of the *Regium Exequator* or *Placitum*, or supreme controul of the sovereign upon the admission of all papal rescripts, is in every state of the continent established beyond controversy: the Roman Catholic and the reformed churches seem to vie with each other in the adoption of securities of this description; demonstrating the necessity, by the universality of their concurrence.

I have often had occasion to notice the only provision we have upon our statute books which points directly against the intromission of such rescripts from the papal see, namely, the statute 13 Elizabeth, ch. 2. In the spirit of the sanguinary times when it was enacted, it denounces the penalties of high treason against the introduction of every papal bull, brief or rescript from the see of Rome, however innocent its object. This Act was left unrepealed on our statute-books when the statutes of toleration in favor of Roman Catholics passed the legislation in the years 1791 and 1793. As the Act, from its sanguinary hue, has never been enforced, an unchecked communication with the see of Rome results from it, open

to great abuse, and in some circumstances, as at the present hour, might be attended with mischievous consequences.

I am far from imputing to the Catholics of the United Kingdom any recent abuse of their communications with the see of Rome, but I can see no reason why our municipal regulations should be guided by a less cautious policy in this respect, than the regulations of those states wherein the sovereign himself is in communion with the see of Rome. Without any great stretch of imagination we can conceive it possible that abuses may exist, as they have existed, and those who are not disposed to take a wider range of inquiry may satisfy themselves by the perusal of my lord chief justice Coke's 5th Report, in Caudry's Case, where the whole law of the ancient jurisdiction of the crown is laid down with great perspicuity.

It is not possible to speak upon this subject without retracing the beaten ground of the "Veto," and again I must say that for many weeks after that measure had been introduced in this House by my right hon. friend the member for Dublin, the principal prelates of the Roman Catholic church still adhered to the propriety of its adoption, and even after a host of popular writers had raised a cry throughout the country in opposition to it, and in a manner intimidated the prelates into a vote declaring it "inexpedient;" that inexpediency was avowed by the primate and Dr. Troy, to result only from "existing circumstances."—In the various synodical acts of the Irish Roman Catholic prelacy, as I have often observed, they have never controverted the principle, though they have pointedly condemned another measure, that of domestic nomination in chapters, a practice countenanced nearly through all the German states, and which is certainly more congenial to the ancient discipline of the church. Where the nomination is exercised by the sovereign, reserving the institution, and in particular instances the collation, to the Pope, we may take it for granted that it is an arrangement made at the expence of the second order of clergy, but herein I have never presumed to suggest an alteration. I have looked principally, if not wholly to the security of the state, as far as assuring ourselves of the loyalty of the persons selected to possess so great an influence upon the people committed to their charge, without interfering in the details of elections. A fact has been more than once stated, and if not explained I am given to understand it may be subject to injurious misconception: I had formerly observed that Dr. Bellew, the present bishop of Killala, unfortunately had a brother deeply engaged in the Rebellion of 1798. I mentioned it to shew the advantage which might have been derived from an intercourse with government, that the electors might thereby become apprized of facts which might involve the disqualification of an individual, in other respects unexceptionable. No one can impute disloyalty to Dr. Bellew, but if the Roman Catholic see of Killala had been vacant at the moment his brother was approaching the town, in 1798, at the head of an hostile force, such an intimation assuredly would have prevented an election in his favour. I have long known Dr. Bellew, and my favourable prepossessions remain unimpaired by the lapse of time. Dr. Hussey's nomination to the see of Waterford is an instance also in reference to which, I noticed that if the transactions of that prelate at the court of Madrid in 1786 had been known to the electors, Dr. Hussey could not have been placed in the station he afterwards filled. [Here sir John Hippisley went into a detail of the nature of those transactions, with a view to illustrate the principle of the utility of a communication between the electors and his Majesty's ministers, respecting the nomination to Catholic prelacies.] But I must not overlook a part of this subject wherein it is necessary to answer the pointed call I am honoured with by the Speaker, now sitting in our committee. And here I would ask my right hon. friend, does he seriously think that the oaths as they now stand of the 14th, of the 31st, and 33d of his present Majesty, are clearly understood by those who administer or by those who take them? Are they of such simple comprehension as to be considered fit for adoption in any bill he may bring forward on this subject? I fear they will not be so considered by the House. The history of the oath of 1793 I have before adverted to: the Catholics of Ireland made a declaration of their principles. An oath was proposed in 1793 by the earl of Buckinghamshire, then secretary of the government, and the learned gentleman (Dr. Duigenan) then in the House of Commons, exclaimed, "the Catholics have made a solemn declaration of their principles, let the oath be drawn up in the words of their declaration." It was so drawn up by him-

self, and in his candour he then observed, "let them swear to it, they are honest men, and I will believe their declaration."

In a review of these oaths I would ask, whether when the Catholic priest swears to the disclosure of all traitorous conspiracies, it is not generally understood that if treason be disclosed to him, even in confession, he is bound by his oath to reveal it? I answer for the Catholic priest, that in his own honest conception of his duties he is not so bound—and moreover he is fortified by the established canonical discipline of the Church of England, which authorises the minister of the establishment, nay, commands him, to conceal "all such crimes as are committed to his secrecy, in confession, under pain of ecclesiastical censures." It was upon this point, as I have before remarked, that the hon. member for Yorkshire (Mr. Wilberforce) so much misunderstood me, that, when I adverted to this 113th constitution or canon of 1603, he exclaimed "You are quoting a Popish canon."—I will here content myself to repeat that those canons of 1603, constitute the great code of regulation of our church establishment, and the principle, as I have before often noticed, has been recognized by the highest authorities of our courts of law. I have heretofore observed also that our municipal law in this respect is at issue with our ecclesiastical law. By the latter the minister is commanded to conceal all crimes committed to his secrecy in confession, of however deep a dye, "provided they be not such as the concealment might endanger his own life." Now as the concealment of high treason subjects only the offender to the penalties attached to premunire, namely, imprisonment, at the king's pleasure, and forfeiture of goods, it follows that there is no crime existing upon our statute books the bare concealment of which constitutes a capital offence. The minister therefore of the Church of England is, by the ecclesiastical constitutions, bound to conceal what the municipal law commands him to reveal; but this subject I have so often before pressed that it is unnecessary now to dwell upon it; I will only observe that a new provision ought necessarily to be framed, explicitly sanctioning the conscientious scruple of the Catholic priest, and protecting him against misconstruction. It became a question with Henry 4th of France, whether the seal of confession should not be broken, but the king, upon mature deliberation, abandoned his purpose—it was wisely observed that by withdrawing the obligation of secrecy, a solitary instance might occur of some public utility, but the seal of confession being no longer to be considered as a protection to the penitent, crimes would be no longer avowed, and every advantage resulting from the institution would be lost to society. I have examined the application of this tenet of Catholic discipline with no light attention, not even passing over the cells of our public prisons for examples of useful application, and I can take upon myself to affirm that, under the wholesome influence of a most worthy priest, whose name I consider it as a sort of duty to mention (Mr. Devereux, who attends the gaol of Newgate), the detection of the most notorious offenders and the restitution of property to a great amount, have at various times been made to great public as well as private advantage.

I shall now proceed to the oath of 1793; the oath which, as I have stated, was drawn up by a right hon. and learned gentleman, from the declaration made by the Catholics anterior to the introduction of the Bill in parliament. The Catholic by this oath swears that he will not exercise any privilege to which he is or may become entitled, "to disturb and weaken the Protestant religion and Protestant government in this kingdom." The construction of the Catholic upon this clause is "that it is necessary to disturb *and* weaken, not only the Protestant religion, but likewise the Protestant government, in order to violate this clause, and that if it had been put disjunctively as it was proposed to be, it would have been inadmissible by the Catholics." I think I need not say that this is a sort of special pleading upon the construction of an oath which ought to have been avoided, and an oath of so complicated a description ought never to have been imposed. I feel myself called upon to give the House all the information in my power on this point. The Catholic defends himself by telling you that if he is not to weaken the establishment in any way, you must preclude him from preaching and teaching. Each sect of Christians may fairly be allowed to exercise their polemical weapons while they keep within the pale of good citizenship, but I contend that an oath should be so simple and explicit as not to be open to these subtle distinctions,—nor could I overlook these distinctions even if I had not been called upon, as they have been

urged by the Catholics themselves, and printed in a note subjoined to the oath. [Here sir J. H. read the note.]

The government of the Dutch United Provinces were wise in adopting securities of a different description. They received a disavowal of obnoxious principles under the "priestly word" of an ecclesiastic, and confided rather to practical collateral securities than to the mere test of an oath. I am very far from undervalueing the sanctity of an oath, but security must be sought against those whom oaths will not bind—such were the securities which the states of Holland had wisely interposed, and such were the securities which every state in Europe have in their wisdom and policy at some time or another enacted.

I am extremely unwilling to detain the House to this length, but I cannot avoid adverting to that sort of investigation, which I conceive should be adopted in a committee, for though I have often urged the course that I think ought to be pursued, yet I am now speaking within the hearing of many to whom the subject is comparatively new. As an elucidation of the propriety of calling for evidence, I think it right to state, that the prelates of the Roman Catholic religion within this realm had, till a recent period, been invariably named by the representative of the House of Stuart. An original register of their nominations might be laid before the House, upon an address to the Prince Regent. [Sir John Hippisley then went into details of the nature of the evidence, which he would wish to record in a select committee, conformably to the practice of other governments, in reference to the appointment of bishops of the Roman Catholic communion—He spoke in terms of much praise of bishop Poynter, the apostolic vicar of the London district, but contended that it was not the description of prelacy that he could wish to retain in this country, as it was little suited to the spirit of our government, an apostolic vicar being in fact but a mere delegate of the see of Rome, and revocable at her pleasure]. Thus far have I adverted (continued sir J. H.) to various heads of investigation for a select committee, and now let us look also to the proposed course of my right hon. friend. After we have voted in favor of his proposition, he brings in his Bill, what may not the House then say, and what may not an hon. member near me, (the member for Bedford), then say?—will he not then, exclaim as he did a few nights since upon another grave subject: "Will the people of England be contented with mere statements, will they not call for documents?" [The hon. baronet then recurred to the Charge of the bishop of Lincoln, (respecting the discipline of the council of Trent), the bishop having fallen into the same error as Mr. Perceval did, in quoting a passage from Professor De la Hogue's Treatise, without adverting to an antecedent section of the same tract, which refuted of the inference drawn from the cited passage.] In a committee you will have an opportunity of investigating all such points. I do not mean that the Committee should be empowered to report opinions, but that it should be merely the instrument of the House, in putting upon record the requisite evidence. I have no objection to an open committee, provided it be not a committee of the whole House. The report of such a committee going forth to the people of England, I conceive to be a measure which the House could scarcely dispense with, when they looked around them and witnessed the gross misconception obtaining on every side with respect to the question before the House. Adverting to the tests necessary to be taken by Catholics, I own I feel a great disposition to adopt the example of the states of Holland, before adverted to, where the Catholic population is nearly at a par with that of the Protestants; and not merely in this respect would I wish to imitate the example of that once sagacious government, their ecclesiastical regulations, for the exterior government of the different sects of religion, which were not dominant, being most wisely framed, and acted upon with a salutary policy. In a select committee, I am persuaded such facts would come out in evidence, as would naturally point to the remedies necessary to be applied, where danger was to be apprehended from foreign encroachment,—indeed it required no stretch of genius to suggest those remedies—they were practical remedies, resorted to, under various modifications, in every other state.

In reference to the Roman Catholic prelates, speaking of them as a body, I am persuaded the King has not a more loyal description of subjects. A noble lord, who, when a member of this House, brought in the tolerating Act of 1791, expressed a partiality in favour of the English Church government of the Roman Catholics, op-

posed to that in Ireland—but no man who will look into the constitution of those governments, can, I think, deliberately give his voice in favor of a delegation, purely dependant upon the will of the Pope, unprotected by the securities of canonical regulation. Such a government is humiliating to the Catholic, and eventually dangerous to the state. It eludes in a great degree an adequate power of regulation—for you cannot properly recognize such a delegation—nor can there be strictly speaking any electors of an ecclesiastical delegate, bearing such a commission.

[Sir John Hippisley then went into further details of the objects of a select committee, and its probable beneficial effects upon the public mind, at present labouring under contrasted assertions, without the power of resorting to any authoritative documents to direct their judgment.]—It can only be by such means that early prejudices can be reconciled to the measures now in contemplation even in the most limited degree—and who could have anticipated fifty years ago that we should now be sitting in deliberation on the claims now before the House? As I shall have the privilege of offering my sentiments again in the course of the committee, I shall now sit down, declaring that I concur in the motion of my right hon. friend, as a preliminary measure leading to the necessary constitution of another investigation, commensurate to all the preliminary arrangements of a liberal legislative enactment, under those safeguards which the principles of the constitution have an unquestionable right to demand.

Mr. *Bathurst* said, that after the decided majority of the House for going into a committee, he should endeavour to confine himself to the question, on the footing upon which it stood. The Resolution of last session was for considering the question generally, with the view to two objects—the conciliation of the Catholics, and security to the Protestant establishment. It seemed to him, that the promoters of the question did not see their way. He objected to the mode of proceeding which had been adopted by the right hon. mover of the Resolution. He was aware, that in all questions relative to an alteration in the laws of the country, the regular mode was to submit the proposition to a committee; but the person making the proposition stated the measure he had in view, described its general bearings, pointed out what it was his object to approve, and how far he was willing to qualify it, and that being done, a resolution was founded upon a motion, to accomplish the ulterior object in view. A reference to the proceedings of 1772 and 1791, would shew that such was the parliamentary course. One mode of proceeding there was which seemed to be intended, and by which in a committee, the particular objects not being specified, the affairs of religion might be considered at large, and any point might be proposed and discussed; and then the resolutions would form the foundation of a Bill. But the course now pursued was different, and the Resolution gave them very little information generally, and none at all, indeed, as to particulars, of the measure by which it was to be followed. The subject was one of very great extent, comprising, at once, the state of the Protestant and of the Catholic church—and he should have been very glad if the right hon. mover, or the hon. baronet who had just addressed them, had proposed any thing which might be looked upon as the foundation of a future Bill, instead of this vague and indeterminate Resolution. The proposition laid down this principle, that "relief ought to be granted to his Majesty's Roman Catholic subjects;" but it was worded in such general terms, that if leave were given to bring in a Bill, pursuant to that Resolution, he would defy the ingenuity of man to state what measure would finally result from a power so large and so indefinite. But they were told, that time was to be given—they were told, after having been first informed that immense good would immediately be derived from the discussion of this question, that the examination of the measure to be proposed was to be left to a future time, and they were to recollect all the sentiments which had been recently expressed on the investigation of this question, as containing principles by which their decision might be guided, and by a recurrence to which they might amend and improve any Bill which might be offered to them. Nobody could guess what the Bill was to be. When that Bill should afterwards come to its committee, they would have to recollect all the discordant opinions of those who had voted for a committee in the first instance. This, without meaning any disrespect to the right hon. mover, did not appear to him to be a fair parliamentary way of dealing

with a question of this importance. The right hon. mover had disclaimed the idea that it had ever entered the mind of man to grant unconditional concession (and of course his plan in general must be one of conciliation and regulation) but, if that were not the intention—if the only plan were concession, mixed with safeguards and restrictions, was it not, then, of the very essence of the measure, that those who would be called on to agree to it, should know what it was? Or, was the ultimate proposition to be covered and concealed, by the generality of the expressions contained in the Resolution before the House? The substance of that Resolution was, that parliament should begin with doing away all the disabilities at present affecting the Catholics, the Protestant church of England, Ireland, and Scotland, being secured—but how this security was to be obtained, they were left to imagine. The principle of the Resolution might be explained as only saying, that nothing done by the Roman Catholics should pointedly infringe the Protestant establishment; but, as to any measure for preventing foreign interference with the Catholic church—as to any plan for removing whatever was most obnoxious in the See or the Court of Rome (whichever gentlemen pleased to call it), by which alone danger to our constitution could be prevented, the right hon. mover had not said any thing specific, either on this or on the former night. All that was left for future arrangement. But it was not fit the committee should begin by abolishing the ancient guards of the church and state, without making restrictions co-existent with such abolition. It had been said (but not very candidly, in his opinion,) that parliament was reduced to this dilemma, that it must either declare its determination never to grant any concessions, under any circumstances, of this country, of Ireland, or of Europe; or that it was bound specifically to avow on the present occasion what it was proposed to do. He really could not see that the question was necessarily resolved into one or other of those determinations. It was surprising, with the view the hon. baronet had taken of the question, that he would countenance this round-about mode or vote for the Resolution as it then stood. What he had stated of the interference of the see or court of Rome; of the various tenour of their oaths; and the motion of which he had given notice; all tended to point out the necessity of a development of the plan which was in contemplation. The hon. baronet had uniformly maintained this principle, that certain regulations should be entered into for the security of the establishment. What, then, was the course he ought to pursue, on his own view of the subject? Surely, he ought to have begun by pointing out those safeguards—and, after having provided that the interference of the see of Rome should be placed under the same restrictions as were provided in the other Protestant states of Europe, then provision might be made for a Bill to repeal the laws complained of by the Catholics. This was the course, which, in his opinion, ought to have been taken—and it was not a fair or candid way of putting the question, to say, if the present proposition were not agreed to, unexplained as it stood, that, therefore, the legislature were unwilling to do any thing. These were matters of less moment, which, no doubt, ought and would be conceded. He saw many difficulties in the way, but he had never said, that no time nor circumstances could occur, in which the proposed relief could not be given. He denied the inconsistency charged on those who had thought great concessions impracticable, when they stated that some things, such as what related to Irish soldiers, &c. might be granted. For instance, it was foolish to say, that the Catholic soldier, coming from Ireland to England, should be placed in a worse situation in the latter than he was in the former country. Such points as these might be conceded, without going into the whole Catholic claims. The demands of the Catholics, unaccompanied by any securities, appeared to him to be unreasonable; and he had a right to assume, that such was also the feeling of their advocates, since not one of them supported their claims to the extent which they themselves seemed to desire. Probably he should not have interposed on the present occasion, if the Resolution, instead of being general, had been specific. But, when it took its present shape, when the right hon. mover stated that he would leave the House in possession of this general proposition, and that he would afterwards move for leave to bring in a Bill on the Resolution which he submitted to them, he felt it necessary to state his reasons for opposing the motion. An hon. member (Mr. Ponsonby,) had stated, that no person now, no person ever did talk of

unconditional concession. He would ask what was the language of the whole Catholic body as expressed in their petitions. If indeed, the Catholics had no advocate in that House who would venture to stand up, and assert their claims to the full length they themselves had gone, yet the House could not but know that such instructions were in their brief, and those instructions were so unreasonable, that the House should pause before it went any further, to ascertain, if possible, what hopes there were of producing satisfaction on one side or the other. If the committee came to the Resolution before them, the next step would be to bring in a Bill pursuant to that Resolution. Now, as by the common consent of mankind, the right hon. mover, who had so long advocated the Catholic cause, would be the principal person in drawing up the Bill, and in bringing it forward, they might perhaps anticipate what its principal provisions would be. All the restrictive laws would, of course, be repealed. Some provisions, he understood, would be made as to ecclesiastical courts and advowsons, but not a word would be mentioned about law officers, or about what securities it was intended to propose for the church. These were to be left to take their chance; something was to be done for the Catholics; but it was not told under what qualifications. The Bill, thus constituted, was to be sent out to the country, amongst a people, at the present moment expressing great apprehensions on this subject—it was to go out, with one thing resolved upon, "that those laws were to be repealed;" but under what modifications was completely uncertain. If it were proposed, that these laws should undergo the consideration of parliament, he should not have troubled the House on the subject; but when the right hon. gentleman said "By my Bill, I will repeal these laws," he felt it his duty to oppose the proposition, except unexceptionable securities were offered. What would be the consequence of the success of such a Bill? It would be this—if its provisions were afterwards complained of, it would be demanded of the legislature, both by that party which approved, and that which disapproved it, "why did you not make proper regulations when it was in your power?" Why did you not oppose the Bill in the first instance? It was therefore necessary for him to state his objections now. The question was eligibility; but was it not the enjoyment of power consequent thereupon that was looked to? To go on without knowing what they were doing, would only hold out hopes not to be realized. There could be no injury done by stopping the progress of a measure in the committee, as it could be revived in another stage. The hon. baronet said, he would wait till he had seen the result of the discussion before this committee, and then he would submit a motion to its consideration. Would the hon. baronet have an opportunity of so proceeding? There were but two questions connected with the committee—that immediately before them; and that which was to follow (if the former were successful) namely, the motion for leave to bring in a Bill. Where, then, would be the opportunity for the hon. baronet to move for a committee above stairs, to examine into the dogmas of the Catholic Church? Such an investigation, he thought, would be better confined to the hon. baronet himself; and he knew not what benefit could be produced by referring the subject to a committee of that House for their consideration. It had been frequently alleged as an argument on the part of the Catholics, that, having given them so much already, it followed, on principles of consistency and policy, nothing now should be withheld—their claims should be granted in the fullest extent. This argument went to the utmost principle of granting concession, without any regulation or restriction whatever; and it proceeded on this ungracious assumption, that the legislature could not confer any immunity, however consistent with the security of the state, without incurring the risk of having it retorted on them at a future day—"You have granted this, and, therefore, you must grant the other;" although perhaps a compliance with the demand might be most dangerous. —He knew not where this argument was to stop. If it were pursued to its extreme limit, they could not grant a step further in the army, or higher at the bar, without occasioning additional and more pressing claims. Under all the circumstances, he did not think the present mode was most conducive to a temperate consideration of the subject—and, therefore, the House ought to stand on their guard. This mode of arguing the question had this night been strongly enforced by a right hon. gentleman (Mr. Ponsonby) who declared, that it would be in vain to grant the Catholics part of what they want, as

that would only make them more eager for the rest, and were determined to get it; and that if they were resolved to stop now, why did they grant them the elective franchise in 1793? That mode of argument, as he had stated, appeared to him to be most fallacious. If it was to be adopted, the committee must then go the whole length of the petitioners, and grant unqualified concession. Parliament would not be able to concede some things, because it would be told, now you have conceded those, I'll show you why you must concede more. He repeated it was impossible to anticipate where such an argument would stop. But, he would ask, with respect to the elective franchise, was there no difference between allowing a Catholic to vote for the return of Protestant members, and opening the doors of parliament to the Catholic himself?—He thought it a most ungracious argument, and it behoved that House to make a stand upon the ground they possessed, and maturely deliberate before they permitted a new system of things to be established. The hon baronet seemed to suppose that what they were then doing, was likely to conciliate the Catholic body—but he conceived, they would not be doing justice to themselves, if they did not negative the present Resolution—and, perhaps, another might be introduced in its place, no less conciliatory to the Catholics and at the same time more satisfactory to the people in general.

Sir *John Newport* said, the right hon. gentleman was incorrect in stating, that the Roman Catholics, in their petitions, expressed a determination not to accede to any regulation whatever. Now, if he had read those petitions right, no such assertion was contained in them. They prayed, that every remaining penal statute might be repealed; that, while they conducted themselves as loyal subjects, they might be placed on a level with their Protestant brethren; and that no disability should be inflicted on them, in consequence of their adherence to the tenets of the Catholic church. Now, in the correct sense of the word, the Catholic certainly did want complete emancipation—but this was perfectly compatible with every necessary regulation—and the friends of the Roman Catholics, in moving for the repeal of the disabilities, were fully impressed with the conviction, that such a measure was completely consistent with the security of church and state. The right hon. gentleman seemed to think, that the desire of conciliation, manifested by the House, would not be assisted by the feeling of the Catholic body in general, and more particularly by the Catholic board. But, to judge properly of this assertion, it would be right to know how the last Resolution of that House, on the subject of the Catholic claims, had been received by the board; and that the committee might be correctly informed on the subject, he would read a recent proceeding of that board. They would thus see, that the first conciliatory measure adopted by the House had been viewed by the Catholics in a spirit and temper quite the reverse of that by which they were supposed to be actuated. At a meeting of the Catholic board which had taken place in Dublin since the late vote for a committee, a resolution such as could not fail to be gratifying to the House, had been moved, and that by a person who had been heretofore arraigned for the violence of his conduct in that assembly. The hon. baronet then read the following paragraph:—

" *Catholic Board, March 6*, 1813.

" A meeting of the board was this day held, major Brian in the chair, at which Mr. Lawless gave notice of the following Resolution, for the consideration of the board, on Saturday next:—

'Resolved—That we heartily congratulate our fellow-subjects of every religious persuasion, in the British empire, on the late glorious and successful struggle of the friends of civil and religious liberty, in the Imperial House of Commons, from which we may confidently date the commencement of that harmony which is likely to subsist hereafter, among men of all denominations and religions in the country, which must obliterate the remembrance of past injuries, and make Ireland as united as she will be unconquerable.'

Having read this document, he would ask whether the advances of that House had not been met by a spirit of conciliation on the part of the Catholics? Did they not rejoice at the prospect of uniform harmony among all sects? Did they not express feelings of the strongest delight, in the hope which was now held out to the empire, that we should be an united, and consequently an unconquerable people? Now with respect to the qualified concession on which persons opposing

the claims of the Catholics had now taken their stand, he would beg to offer a few remarks. A right hon. gentleman had proposed to withhold from the Roman Catholics all political power—and in the very same breath, he signified his willingness to give them high political rank. He would ask that right hon. gentleman how he would act in the case of a victorious Catholic commander in chief abroad? for the only limitation he had placed on the extension of military honours, referred to the situation of commander in chief at home. What course would the right hon. gentleman adopt, in the case of a Catholic Wellington having the same claims on the gratitude of his country? Would he admit him to the dignity of the peerage, or would he not? If he did grant that honour, by what device would he limit it? How would he fetter the dignity so as to keep it thoroughly separated from political power. At every step they went, these friends to the prescriptive rights of the constitution found themselves entangled in mazes, from which they could not disentangle themselves. The only way in which to settle the question was one free from all intricacy, and in which there was no danger; that was, to extend the privileges of the constitution in all their plenitude to all classes of his Majesty's subjects, and thus unite them all in its defence, it was to grant to the Catholics that which would unite them to the great body of the people. This should be done without looking to dogmas, which had been promulgated three centuries ago, to tenets maintained by this sect or by that, and to forbear imputing to any sect or class of Christians whatsoever, that spirit by which its adherents had been actuated at former periods. Instead of contemplating the obsolete canons of departed councils, they ought to be guided by the general system of the Catholic church, as acted upon at this day. He would not have trespassed on the Committee, but for the purpose of doing away any false impression which might arise from the assertion that the Catholics were not actuated by a spirit of conciliation. This object he had completely effected, by shewing the manner in which, at the earliest possible period, they had expressed their sentiments on the Resolution which parliament had agreed to. Under every difficulty, the Catholics of Ireland had shewed themselves a grateful and a loyal people. That very body were the victims of a misplaced loyalty to a family, who, at all times, had ill-requited them. Their loyalty was recorded on the statute books; and it was not by the charges of rev. bishops to their clergy, that parliament would be induced to erase those honourable testimonies of bravery and devotion for their country—or to impede their just reward. Those claims to the confidence and support of their fellow-subjects being allowed, it was unjust to withhold from them the rights to which every man was entitled under the constitution. If the statements of some hon. gentlemen were true, the legislature must undo a great deal of what they had already done. Those gentlemen declared, that the Catholic should not be permitted to exercise any political power—in other words, they were contending against what they had already given; for, by extending the elective franchise, political power had been conferred. "But," it was observed, "it is now necessary to make a stand." The only meaning which he could attach to this expression was, that, because the legislature had granted the Catholics a power, which, if they pleased, they might exercise improperly, but which they had used most constitutionally and correctly, therefore they were to be shut out from further privileges. The bar had been thrown open, to a certain extent, in 1793, but the Catholic was severed from its highest honours; he wondered that those who were most active in procuring that indulgence did not perceive by what had since taken place, that when gentlemen of the legal profession were prevented from rising by their acquirements, they would, of necessity, become the leaders of popular assemblies. This really had happened, and it was a strong argument in favour of removing the barrier by which their promotion was impeded. What, he would ask, was it which dissolved the administration in 1807? It was an attempt to extend to the Roman Catholics those very privileges, (considerably qualified indeed), which a right hon. gentleman that night expressed his willingness to grant to them. This was a strong proof that the prejudices against the Catholics were subsiding. A few years ago the coronation oath was considered as the great bar to their claims—that had vanished; the dangers to be apprehended from permitting them to embrace a military life had also vanished; and he felt assured, that by those repeated discussions, it would at length be discovered that there

was no safety for the state, except by admitting all persons to enjoy the benefits of the constitution, and thus inducing them to unite in its defence.

Lord *Desart*, after remarking that he hoped the example of the Catholic committee which had just been referred to, would be extensively followed, said he could not but express his concurrence in the proposition before the committee, for, connected with Ireland as he was, he could not be a stranger to the advantages which must result from conciliating the Catholics of that country. He was willing to grant to the Catholic much of what was required, but he must have securities for the Protestant establishment. The securities were to be contemporaneous with the concessions, if the expression could be made use of, as to the enactments of the same Bill. The regulations he should approve of would be such as might attach the Catholics to the constitution, and nothing could more attach them to it than liberty and security. He should approve of the select committee proposed by the hon. baronet (sir J. Hippisley) as there was considerable risk in legislating on subjects with which they were insufficiently acquainted.

Lord *Milton* and Mr. Plunkett rose at the same time, but the former was declared to be in possession of the committee. He said, that he had ventured thus to occupy the time of the committee, because his sentiments on this subject were not similar to those of most of the gentlemen with whom he should concur in his vote. He could not but premise, that in his opinion, the right hon. mover had been somewhat hardly used as to the course which he had deemed it right to propose for adoption. The main question before them had his warmest concurrence. As to what had been said by the right hon. the Speaker, it was the duty of that right hon. member to propose (as this was one of the few occasions on which he had it in his power) resolutions containing the substance of his opinion, that many laws operating to the disadvantage of the Catholics, might be abrogated. As to securities he thought, that the best securities were the good will and affection of the governed; all others were built on an unsound foundation, and were not worth contending for. It behoved those, however, who were of a contrary opinion, to submit their securities to the House. Conceiving, as he did, that no securities were necessary as to the power which it was proper to concede to the Catholics, he was not a friend to unlimited concession. Of the concessions made to the Catholics, this should be the principle of limitation,—that they should be excluded from all offices involving political patronage; as for example, from the office of Chancellor in Great Britain and Ireland, unless under some regulations. It would be monstrous, indeed, to exclude the Catholic from exercising an hereditary right of advowson, while he might exercise ecclesiastical patronage by virtue of his office. Some offices in the ecclesiastical court, might, perhaps, be liable to the same remarks. At the same time, he should not wish to exclude the Catholics from any political power; and leaving it to others to discuss whether they should withhold the unsubstantial after granting the substantial part of civil rights, he should conclude by expressing his opinion, that all political power should lay open to all classes of his Majesty's subjects.

Mr. *Wilberforce* had listened to all that had been said with attention, and with a sincere desire to receive all the information possible on this important subject. He should vote for the resolution now before the committee. He, however, was anxious to make some few observations on the policy of concession to the Catholics. If it had fallen to his lot to choose the method of proceeding on this question he should have preferred, with the hon. baronet, to refer the state of the laws in question to a select committee. This he conceived to be the more desirable, as it must have been observed by all gentlemen who had looked into the subject, how different were the statements which had been propagated, for while some represented that the amount of the disabilities imposed on the Catholics, amounted only to exclusion from 32 great offices, others asserted that the disabilities were numerous, and met the Catholics at every turn and in every line of life, and entering into the most common affairs of life, irritated those whose political power they did not serve materially to abridge. This measure also would have tended to a calm consideration of the subject, as every one would know the extent of the grievances under which their Catholic brethren laboured. He did not, however, object to the present motion, because the appointment of a committee was not precluded in a future stage. The doctrine of the Catholics, he did not think could with advantage be referred to

a committee, as such a body would be much less competent to such an inquiry than the hon. baronet who proposed it. What weighed with him in the vote he should give was, that the elective franchise had already been conceded to the Catholics, and it would be absurd and injurious, after having granted such privileges, to deny them seats in the two Houses. It had been objected, that the Catholics might form mischievous or treasonable connections with foreign powers. But the connection existed now; and while concession would not increase the connection with a foreign power, it would render the influence of that power less effective. The mischiefs to be apprehended from Catholics being admitted into that House he could not perceive, for what measure which they might wish to accomplish could they not attain through their Protestant representatives, who were so much less exposed to jealousy and suspicion? The grand consideration which weighed with him in the vote he should give, was, that the Catholics had already political power extended to them by the possession of the elective franchise; and it appeared to him to be absurd to prevent Catholics from holding seats in that House. Suppose there were Catholic members amongst them, would they ever propose any measure, or pursue any course that might not also be adopted by the Protestant representatives of Catholic electors. The oath which these Catholics would take, whether it bound their consciences or no, must yet impose some restraint on them as gentlemen; for who, after swearing not to "disturb or endanger" the establishment, would have the hardihood to propose any measure which might palpably tend to its detriment. Well then, they were leaning on a broken reed—they were relying on a false security. Political power had already been granted to the Catholics, and by leaving them in their present state, the legislature would not be acting with policy for the security of the country. The House could not stop where it was—the Catholics could not remain in their present situation. It was in vain to expect them to be satisfied. He thought something ought to be done for them at the present time—the moment was a peculiarly favourable one—it was a sort of golden opportunity which might never return if they now lost it. Light and knowledge were spreading in Ireland, and the more they extended, the more would the Catholics of Ireland desire to enjoy all the privileges of freemen. It was not simply because Ireland was encreasing in numbers, in wealth, and in circumstances, but because she was encreasing in knowledge, that he thought they ought not to lose any time in making the desired concessions to them, for that very increase of knowledge would make them feel more keenly the indignities under which they thought they laboured. He trusted that the House would see the policy of concession, for he yet indulged the fond hope of living to see the day when the good effects resulting from it would be made apparent; and to allay that fever which had long existed in Ireland would not be one of the least of them. He trusted, therefore, that the resolution would be acquiesced in, for he most fervently believed that it would tend to promote peace and good order in Ireland. The petitioners against the Catholics, though actuated, he was convinced, by the most laudable motives, were deceived in their ideas of the subject, and did not seem aware that the Catholics possessed at present all the power which could be exerted to the detriment of the establishment, and the House would encourage that delusion, if they spread the idea that they might remain with safety where they now were. It was very easy to tell the Catholics to be contented with the concessions which had been made to them; but he could not conceive any thing more galling to a body of men who were brought, as the Catholics had been, into contact with political objects, to be thus excluded from the enjoyment of them. Thinking thus, that it was politic to make concessions to the Catholics, as that body would be thereby conciliated, while the establishment would be rendered more secure, he thought it peculiarly desirable to grant it at the present moment. The Catholics were now advancing in wealth and consequence, and if concessions were not made at this moment, they might be made at a less favourable period. We were now suffering for the follies and vices of our forefathers. Ireland had been treated as a conquered country, and the remaining links of her ancient chains pressed more severely on her, because she had been admitted to a part of the blessings of the British constitution. The more Catholic Ireland abounded in men, who could take a part in political life, the more irritating would exclusion become, and not only increasing wealth but advancing knowledge would cause them

to feel most acutely the state of degradation in which it was attempted to keep them. The system of excluding Catholics from parliament, was contrary to all the principles which had been laid down on both sides the discussions on parliamentary reform, that no great body should be without its representatives in parliament. The refusal of the barons to agree to any innovation in the constitution, had been alluded to as an example to modern parliaments. But '*nolumus leges Angliæ mutari*' was uttered by men in the full enjoyment of all the privileges of the constitution, to secure to themselves their rights, not to exclude those who were debarred from those privileges from participating in them. The hon. gentleman proceeded to remark, that a circumstance in favour of the claims of the Catholics was, that the influence of the priests on the higher orders of that body had diminished. There was an annual excommunication issued against all Protestants, but notwithstanding this fulmination, a Catholic nobleman (it was well known,) had raised a body of volunteers to defend this excommunicated country. When objections were made to this corps being headed by his son, with a truly British spirit he said, that nothing could absolve him from his duty of defending his country, and that his son should serve in the ranks of this body which he was not permitted to command.

Dr. *Duigenan* rose and read the Resolution on the subject of Catholic emancipation, which proposed security to the Protestant religion; but the present measure, he said, contained no security whatever. It was the same scheme as that of James the 2d, and therefore the necessary consequence of passing this Bill would be, that that king and his family were driven unjustly from the throne. The Roman Catholic religion was unchangeable: their enmity to the Protestant establishment was the same that it ever was; and the only question to be considered was, whether you would bestow civil privileges and political power on your eternal and inveterate foe. The doctrines laid down in their decrees and councils were really dreadful. To prove this, the right hon. gentleman went into numerous documents, and read copiously from their oaths, and the decisions of various councils unrepealed, which tended to shew their entire dependence upon the Pope, and that they were not bound to keep faith with heretics. The spiritual supremacy of the Roman see, he argued, brought with it temporal power. There were, he well knew, persons in that House who did not like to hear the true Catholic doctrines. The council of Constance had decreed that no oath was binding which was contrary to the interest of the church. Any oath to a Protestant king was consequently void. No one would be hardy enough to assert, that spiritual power did not bring along with it temporal power. But the Catholic religion was at this moment in a peculiar situation. It was no longer the Roman Catholic religion, but the Parisian Catholic religion, and Buonaparté, our mortal enemy, would, if this measure were consented to, have the power of carrying into effect all his villainous designs against this country, by means of a vassal pope. He next noticed the petitions; and stated, that the signatures to those from Protestants in Ireland, in favour of concession, amounted to only 4,000, while those against it were above 100,000 most respectable names. This circumstance, with the petitions from England, signed by more than 300,000 persons, evidently shewed the feelings of the people on the subject. One half of the petitions on the table were directed against all concession to the Catholics. [Cries of No! no! no!] "Yes, yes, yes. (said the right hon. doctor) I can prove my words." He then proceeded to descant on the formal security talked of for the established church; but contended, that from the nature of the Catholic religion, and their professed disregard of all faith with heretics, no such security could be obtained. They themselves refused to give it. They had repeatedly declared, that they would receive emancipation as no partial boon, nor would they submit to any conditions whatever. How, then, could we conciliate these people? If a man was to come into your house, and threaten to destroy you with fire and sword, could you be expected to receive him with the same complaisance as your dearest friend? Let gentlemen look to the statutes they were called on to repeal. He asserted the measure proposed to be a fundamental overthrow of the constitution, doing away with the Test and Corporation Acts, and violating the coronation oath, as well as the acts of Union between England and Scotland, and Great Britain and Ireland. This Bill would subvert the constitution to its very foundation. Would any man say, that the crown could be absolved from its oath?

His present Majesty thought otherwise, and every reasonable and conscientious man would think otherwise. An act of parliament, indeed, was imperious, nothing could oppose it, but the consent of the crown was necessary to an act of parliament. The resolution of the two Houses was nothing—of itself it possessed no power against the conscience of the King. It had been said, that the oath had already been broken, but it was not in essentials; the alterations which had been made amounted to no breach of that oath; but the measures now proposed would amount to a revolution; the repeal of the Corporation and Test Acts would overturn the authority of both church and state. The first article of the new constitution of Spain was, that the Roman Catholic should be the established religion of the country, and that no other should be tolerated. Here was Catholic liberality. Though we were fighting their battles for them, and wasting our blood and treasure in supporting them against the tyrant of Europe, they would not even tolerate us as Protestants. He also noticed a suggestion thrown out on a former debate, that even if the one hundred Irish members were Catholics, there would be no danger in the fact. That they would be so, he thought very probable, and appealed to the House for the dangers that must ensue from such a body, acting together with one end in view. The rudder was small, but it guided the ship; and no minister could withstand such a combination as this might be, of men elected, not by the property, but by the beggary of Ireland, and under the influence of their Catholic priests. A hundred Catholics in that House would govern parliament. Suppose these hundred members made a bargain with the minister to vote with him on every occasion, must they not have every thing their own way?—Elections in Ireland, he repeated, were not made by the property, but by the beggary of the country, and three fourths of the present members were returned by the direction of Popish priests. They would, if this bill passed, come over like a swarm of bees, and he would be a great minister who could withstand them. First, they would have all Ireland to themselves; it could not be doubted whether they would continue long united with this country, when the dissolution of the Union was the first object in all their declarations.

Lord *Castlereagh* having stated his general opinions on a former night, now rose to speak solely to the motion of the right hon. gentleman. The committee was reduced to a difficulty of great extremity. They were, in fact, called upon to grant almost every thing, or to grant nothing to the claims of the Catholics. Yet he was free to say, that while much might be granted, there was also something to be withheld. He could not but consider the question in every possible point of view but as one which appeared to him a measure of expedience, and in reality a measure of necessity. Gentlemen, he was sure, must feel, that if they were to stop where they were, they had either gone too far, or not far enough. It would be a subject of great regret, if, after the resolution of last parliament, and the adoption of that pledge by that House, the matter should be terminated abruptly, without their being able, after all this discussion, to collect any practical result. For these reasons he was in favour of the motion. At the same time he had no scruple in stating his regret that the right hon. mover had not opened his views to a larger extent than he had done, and given him some prospect of agreeing with him hereafter. But if the right hon. gentleman had not come up to his outline, he had called for no pledge which would prevent any one from engrafting any amendment thought necessary and proper on the ulterior measure, and the more he heard this question discussed, the more conscientiously was he convinced, not only of its expediency, but of its actual necessity. The motion before them only acknowledged the principle, but bound them to no detail, and, in concurring with these propositions he considered himself as only doing that to which he stood pledged by the opinions he had formerly declared. It had been stated by a right hon. gentleman (the Speaker) that this resolution embraced a general sweep of repealing all the statutes of restrictions, without providing any securities. If he thought so, he would vote against it; but as it must be accompanied in its future progress with modifications and restrictions, he was not anxious to look out for points of difference in its earliest stages, and would therefore support it in principle, till of necessity they came to points, where diversity of opinion prevailed. The noble lord then referred to the proposition made by sir J. C. Hippisley, which he considered to be objectionable, as it would bring a code of laws they all looked on with re-

gret, into an invidious point of view; it would also lead to the examination of doctors Milner, O'Connor, &c. and afford them a reasonable prospect of a religious controversy up stairs. The only point on which it could be useful would be inquiring into, and determining the state of the influence allowed to the Roman see in other countries of Europe, Catholic as well as Protestant; but this subject was already completely elucidated by the hon. baronet's pamphlets upon it. He did not believe there was any reasonable man in the country who was not persuaded that the see of Rome had very properly been a constant subject of jealousy in every court of Europe. We had lost sight of that jealousy: and it was to be regretted, that in this country, except the horrible and obsolete Acts of Elizabeth, there was no steady system which operated as a guard against that power. When we were on the point of removing the last remains of the penal laws, which we looked back to with regret and horror, it was proper that some regulations should be enforced for the purpose of securing the church and state from all attempts to which they might be exposed. Our law had been much neglected on this head, and must be revised in whatever decision the legislature came to on the important question now agitating. The noble lord concluded by saying, he should give his cordial vote for the Resolution, which appeared to leave every gentleman's judgment unshackled, and to be a fair and candid proposal in the present stage of the business. He did not, however, hold himself precluded in any future stage from opposing the Bill, if it should become his painful duty so to do.

Mr. *Canning*, like the noble lord, would confine himself to the question immediately before the House, and avoid the temptation to wander into the general discussion which had already appeared so wearisome. He thought the speech of the noble lord, his declaration of support and limitation of the contingency on which his opposition might afterwards be determined, were stated with perfect candour. The noble lord had, in very strong terms, held forth the advantage which such a measure would, if carried, produce to the country. If the noble lord had gone a little further and promised to lend his own powerful aid to the measure, if it might turn out what in his opinion it ought to be, it would have been as much as the warmest friends of the Catholics could desire. The measure, if perfected, would be a boon to one country, and a blessing to the other; and he should do his humble endeavours to bring it to that state. If it should so happen that measures should be attempted to be connected with it which he considered of a dangerous nature to the constitution, rather than give his sanction to them, he would imitate the noble lord and withdraw his support; though he did not consider this event as at all probable, but only reserved to himself the right, if in the future discussion any insuperable obstacle should arise, to withdraw from the course that he had hitherto pursued, satisfied that things should remain in their existing state, rather than that his sanction should be given to any thing dangerous to the establishments of the country.

The discussion of that night had added much to his hopes and his expectations. He knew not what effect might have been produced on the minds of others; but with him it had done more to strengthen his hopes, and do away his apprehensions, than any former debate, when so much more had been conceded on all sides than had ever been conceded before, so as to disarm irritation if it did not overcome objection. In debates on this question, and on other questions, it had been usual for the one party to charge the other with pursuing wild and unattainable objects. But to-night a singular objection was made, that all the objectionable parts of the measure had been done away. It was certainly a new objection that the measure had lost all its convenient extravagance. This absence of fault had been imputed to the plan as culpable, though he could not but think it highly fortunate. There was, however, one right hon. gentleman who was still consistent (Dr. Duigenan) one who never flinched from his duty, and who now remained in a dignified and respectable solitude, like a mighty pillar, standing erect amidst the ruins from which every other person had fled. To night, with the exception of the voice of that right hon. and learned gent.. which those who formerly concurred with him in opinion seemed anxious to drown, lest it might reproach them with its abandonment, with that sole exception there was a complete dereliction of any attempt to assert the old arguments that had been urged on the subject. Not one individual rose up in support of the existing system. The charge on the one side was that their ad-

versaries ceased to be bigotted, and, on the other, that they ceased to be obstinate. Discussion on this question, therefore, had had the effect which temperate discussion ought always to have—that of approximating parties. Extremes which seemed irreconcilable were now so nearly approached that the one side could almost hold out their hands and reach the held out hands of their antagonist. Those who seemed before to be at an immeasurable distance from each other, had by mutual compromise approached into view; and union and peace were placed within their grasp. Every one who spoke that night must feel himself bound not to let the subject go without proposing what he thought right. They might not succeed in accomplishing what all desired; but if they did not succeed in perfecting the system which the right hon. gentleman had in contemplation, they had at least the arguments respecting the danger of foreign influence, and the admission of one right hon. and distinguished member (the Speaker) that it could not remain as it was, but must become subject to legislative interference. They had the admission that things must not remain as at present; they had the admission that the army must not remain as it was, but that the Catholics must be rendered eligible to promotion; they had had an admission that the bar could not remain as it was, but that the Catholics must be allowed to partake of the honours as well as the emoluments of that profession.—They had the further admission, that the Catholics were so far advanced in light and knowledge, that even if nothing of all this should be now done, the question must at no distant period come under the consideration of parliament. They had the powerful admission of his hon. friend opposite (Mr. Wilberforce) who, for the first time this night, had taken a part in the debate, and whose opinion was the more valuable from its conscientiousness and the deliberation upon which it had been perhaps not fearlessly formed, that to Catholics the doors of that House should be opened. Was he not, therefore, entitled to say that the friends of Catholic concession had that night reaped the fruits of the long and frequent discussions which the subject had undergone; and that the question stood in a more favourable point of view than could have been anticipated a fortnight ago by the most sanguine imagination. The only effective opposition to the vote was made on grounds which, if tenable, would be futile, but which were as futile as they were untenable. This was the objection to the form of proceedings. If the right hon. gentleman had brought forward his Bill in the first instance, they would have turned round on him, and told him as Mr. Mitford had been told by the Speaker in 1791, when he introduced his Bill, that it was necessary that it should first be submitted to a committee. But it was said, that the right honourable gentleman ought to have been more full and explicit in his resolution. He approved of the present mode. Why, in the first instance, was he bound to throw out every possible suggestion in order to give footing to every possible objection, when there would be so many future opportunities of taking these points into consideration? Besides, even if the right hon. gentleman meant to play false with the House, (which could not for a moment be suspected), it was impossible that he could pass a measure though the House without the imposition of sufficient guards by those who would be jealous of such a proceeding. It was rather hard that he should be accused of not bringing forward his restrictions first: this would be to begin by driving the broad end of the wedge. His plan was not without precedent; in 1793, the preamble set forth a general sweeping repeal, and then the restrictions followed. Such would be the case now: and, indeed, from the course of parliamentary tactics, he must say that it was necessary that conciliation should be expressed in the preamble; for if the restrictions were first voted, it might be feared that the conciliatory clauses would never follow. He thought it was wise not to detail the plan now, but rather leave it to the wisdom of the House to engraft such restrictions as might seem good and expedient. As to the measure of a select committee, he had no particular objection to it, but thought it ought not to be pressed in the present branch of the proceeding, as he could not consent to adopt it in lieu of the proposed resolution; to which he gave his hearty concurrence.

The House then divided,

For the Resolution	186
Against it	119
Majority	——67

APPENDIX

APPENDIX

TO THE

PARLIAMENTARY DEBATES,

VOL. XXIV.

TABLES RESPECTING THE PLAN OF FINANCE PROPOSED TO PARLIAMENT IN MARCH 1813, BY THE RIGHT HON. NICHOLAS VANSITTART, CHANCELLOR OF THE EXCHEQUER.

OUTLINE OF THE PLAN.

FROM the period of the complete introduction of the Funding System in the early part of the last century, to the close of the American War, the object of our measures of finance during war appeared to be only to provide for the immediate expences of the year, by borrowing such sums as were necessary for any extraordinary charge incurred, and by imposing such taxes as might meet the interest of the loan, leaving to the period of peace the consideration of any provision for the repayment of debt; and this being attempted at irregular periods and on no permanent system, was never carried into effectual execution; the total amount of debt redeemed between the Peace of Utrecht and the close of the American War being no more than 8,330,000*l.*

The accumulated expences of the American war, and the depressed state of public credit and of the revenue at the close of that war, impressed on the vigorous mind of Mr. Pitt the necessity of adopting a more provident system, of which he laid the basis, with admirable judgment, in the Sinking Fund Acts of 1786 and 1792.

At the commencement of the war of the French revolution, Mr. Pitt thought it sufficient, to meet the charge of military and naval expence by loans, accompanied by that provision for gradual redemption, which had been established by the Act of 1792.

The increased expences of the war, and the prospect of its long continuance, induced him however, in 1797, to aim at the most efficacious system by which a long duration of war can be supported, that of equalizing the income with the expenditure of the country.

For this purpose he proposed, in 1798, the establishment of a general Tax on Income; intended, with the aid of some other war taxes, to provide within the year, for a considerable part of the public expences, and also to repay within a few years after the conclusion of peace, all debt contracted beyond the amount of the Sinking Fund in each year.

The plans adopted for increasing the national income upon the renewal of the war, by lord Sidmouth, and afterwards by lord Grenville and lord Henry Petty, in 1803, 4, and 6, were on a much larger scale; and there is every appearance that the income of the nation, might at this time have equalled or exceeded its expenditure, if the necessity of a large increase in our foreign expences had not arisen.

The total amount of the public expenditure, exclusive of the Sinking Fund, was on an average of the years 1806 and 1807, about 61,600,000*l.* The income of 1807 (taking the Property Tax, according to its assessment, at about 11,400,000*l.*) was about 59,700,000*l.*

The net produce of the public income, on an average of the years 1809, 1810, and 1811, deducting the arrears of property tax paid in beyond the assessment of each year, was about 64,000,000*l.* which, with the addition of the taxes im-

posed in 1811 and 1812, would appear to leave a considerable surplus beyond the amount of expenditure of 1807; but to this expenditure must be added the increased charge of unredeemed debt since that year. This amounts to about 2,300,000*l*. which, added to the before-mentioned sum of 61,600,000*l*. being the expenditure of 1807, makes together nearly the above sum of 64,000,000*l*.

The expenditure of the same years 1809, 1810 and 1811, amounted it is true, on an average, to nearly 73,000,000*l*. and that of the year 1812 may be estimated at about 81,000,000*l*. exclusively of the repayment of Exchequer Bills and Loyalty Loan.

The amount therefore of the sum to be provided, in order to equalize the receipt and expenditure of Great Britain, on an average of the years 1809, 1810, and 1811, allowing for the increased charge of unredeemed debt, may be estimated at 9,000,000*l*. or, taking the expenditure at 81,000,000*l*. at about 17,000,000*l*. from which sums must however be deducted the future produce of the taxes imposed in 1811 and 1812, which may be estimated at about 2,500,000*l*. and which would reduce the former sum to 6,500,000*l*. and the latter to 14,500,000*l*.

To raise even the lowest of these sums by an immediate imposition of new taxes, in addition to the great exertions already made, would, however, be considered as a very heavy burden; and one, the severity of which might be felt still more sensibly, from an apprehension, by no means unreasonable, that such a sacrifice might eventually prove to have been unnecessary, as many supposable and even probable cases may arise during the continuance of the war, in which it would be possible very considerably to reduce our expences.

Nothing more, therefore, can be expected as a permanent war system, than to provide for such a scale of expence as must necessarily arise out of the state of war, without including that great increase which has been occasioned by our extraordinary exertions abroad in the last four years, and which, in whatever way it may appear to the wisdom of parliament most proper to provide for it, must be considered as of only an occasional nature.

In the foregoing statement it is assumed, that the Sinking Fund is no portion of the national expenditure. In fact, by cancelling a certain portion of debt in each year, it reduces the debt really incurred, to the amount in which the sum borrowed exceeds the sum to be redeemed. It is evident indeed, that whether the fund is applied in the purchase of stock already existing, or in reducing the amount of stock to be created, the effect will be nearly the same; and the equalization of the public income and expenditure may consequently be considered as a primary advantage of the Sinking Fund, no less than the actual redemption of debt.

The former of these objects, so far as is requisite to meet that part of the expences of the war, which may be considered as necessarily permanent, appears, by the foregoing Statement, to have been already accomplished. It has, indeed, been effected by means which, while they shew the extent of the resources of the country, and evince its firm and unshaken spirit, point out at the same time the expediency of not calling for any further sacrifices which may be avoidable: for this great object has, in fact, been accomplished by the extraordinary payment of more than 200 millions of war taxes. This unexampled exertion may be considered as no less powerfully co-operating with the Sinking Fund, in its other great object of the reduction of the debt, since the creation of a new debt to an equal amount has thereby been avoided.

These considerations may be thought sufficient to point out the general expediency of any alteration of the present arrangement of the Sinking Fund, which, without violating the provisions of the Act of 1792, may diminish the weight of those further burdens, which the progress of the war may still impose upon the nation; and with this view, it may be proper to advert to the remarkable period at which the redemption of the debt has actually arrived.

When the establishment of the Sinking Fund was proposed by Mr. Pitt, in 1786, the debt amounted to near 240,000,000*l.*;* a sum, of which, few then living ever hoped to see the redemption, but which, by the steady perseverance of parliament, in this important measure, has already been redeemed.

It is true, that this redemption has been effected, not solely by the operation of the Sinking Fund established in 1786, but in great part by the provision made for the redemption of loans since contracted, and also by the redemption of the land tax, and, in some degree, by the purchase of life annuities. These additional exertions shew the spirit and perseverance with which the original system has been carried into execution, amidst all the difficulties of an expensive and protracted warfare. The separation, kept up, for purposes of account, between the original Sinking Fund of 1786 and the additions subsequently made to it, is, however, only nominal; it neither has been, nor can be attended to in practice; because the whole of the debt contracted since the establishment of the Sinking Fund, having been borrowed upon the old stocks, and no distinction made between the old and the new proprietors, the whole Debt is considered as one indiscriminate mass, to which the purchases made by the Sinking Fund are equally applicable. No right of priority of redemption can exist in any particular class of stockholders, nor can any conditions of repayment be claimed (except in the instance of the five-per-cent loan of 1797) beyond those laid down in the Act of 1792, under the faith of which all subsequent loans may be considered as contracted.

By that act, provision is to be made for the redemption, within 45 years, of all Debts subsequently created; and, within this limit, parliament has the power to regulate the mode of the redemption at its discretion; and has in fact exercised that discretion in several instances.

In the years 1798, 1799 and 1800, for example, no provision was made for the immediate reduction of that part of the loans which was charged upon the income tax; but it was intended that those sums should be redeemed by a prolongation of that tax in time of peace. In 1802, when the income tax was repealed, and other funds were provided for defraying the interest of these loans, it was again thought unnecessary to make immediate provision for the redemption of the principal, which was left to be redeemed by the prolonged operation of the Sinking Funds already existing.

It may therefore be considered as decided, not only by the recorded opinion, but by the established practice of parliament, that while provision is made, in any manner, for the redemption of each respective portion of the public Debt, within 45 years from the time of its being created, the enactments of the Act of 1792 are complied with.

It would consequently be equally consistent with the Act of 1792, either to redeem any number of loans by applying to the separate redemption of each the distinct portion of Sinking Fund created at the time of its being contracted, or by applying the whole fund, in the first instance, to the total redemption of the first contracted loan, and afterwards to that of the several succeeding loans in their respective order; so that each of them should be redeemed within 45 years from its being raised.

This second mode would, however, be attended with important advantages.

In the first mode, the whole charge of interest and Sinking Fund, occasioned by any number of successive loans, is appropriated, without any possible relief to the public, until the whole of one of the loans shall be completely redeemed by the exclusive operation of the one-per-cent originally attached to it; which is not likely to happen in much less than 40 years, and may exceed that term. But in the latter case, several of the loans first contracted will, in the event of a war of considerable duration, though much short of 40 years, have been redeemed previously to the con-

* £.238,231,248.

clusion of the war, and will have furnished, to a considerable extent, the means of providing for a fresh charge; and this resource will be continually increasing, in proportion to the duration of the war.

Another advantage will be, that the redemption of the debt, being more gradually diffused over the whole period, will produce less alteration in the state of property. This successive redemption is indeed a point of no small importance to the regulation of the money-market, as the rate of interest and the value of money might be very inconveniently affected, by the too rapid increase or the too sudden reduction of the sums brought into circulation by the Sinking Fund. It should not therefore be suffered to accumulate for too long a period; while, on the other hand, it should not be too much diminished by extinguishing at once too large a portion of the public debt. These considerations appear to have occasioned that provision of the original Sinking Fund Act of 1786, by which its accumulation at compound interest was limited to four millions; and they will be still more effectually provided for, by the mode of successive redemption, which has been pointed out; while another advantage, attending it, would be, that throughout nearly the whole period of its operation, a much smaller portion of the national resources would be occupied in providing for the public debt.

The point at which we are now arrived in the redemption of the debt, affords a most favourable opportunity for the adoption of this mode; which would have been originally preferable, and which the actual duration of the war, and the prospect of its possible further continuance, render at present peculiarly advantageous.

Upon these principles, it is the object of this paper to propose a Plan, by which a gradual and equable reduction of debt may be provided for, with great immediate advantage to the public.

It is only necessary to enact, that the debt first contracted shall be deemed to be first paid off; whether purchased by the Sinking Fund originally provided for its redemption, or by any other. It has already been shewn, that this supposition involves no absurdity, the old stocks and the additions to them being so mixed as to render all discrimination impossible; and it is surely very allowable in practice to assume that any given portion of the public debt is discharged, when an equal sum funded in the same securities, has been paid off.

A sum equal to the capital of the whole public debt existing in 1786, having already been purchased by the commissioners, or transferred for the redemption of land tax, or the purchase of life annuities, the execution of this plan will only require, with regard either to this sum, or to any debt hereafter to be redeemed, that a certificate of such redemption shall be published in the Gazette, and laid before parliament by the commissioners; and that, thereupon, the stock so redeemed and standing in the names of the commissioners, shall be at the disposal of parliament, and liable to be cancelled, in such proportions and at such times as parliament may direct, to such an amount as may be necessary for charging, upon the same securities, the dividend and sinking fund of any loan which may have been contracted for the public service; but that the whole Sinking Fund created by the Act of 1786, or by any subsequent Act, shall be continued and applied, until the total redemption of all debt now existing or to be created during the present war. In order, however, effectually to secure the means of redeeming all future loans within forty-five years, and to preserve a proper proportion between the Sinking Fund and the Unredeemed Debt, it will be expedient to enact, that whenever the sum borrowed in any year shall exceed the sum to be paid off, a sinking fund shall be provided for the excess of loan, equal to one half of its interest; and for the remainder of the loan (or for the whole, if not exceeding the amount to be redeemed within the year) a sinking fund of one-per-cent. conformably to the Act of 1792.

It may also be observed, that as this ar-

rangement involves the repeal of those provisions of the Act of 1802, under which the whole Sinking Fund then existing was directed to accumulate at compound interest, till the complete redemption of the debt which then remained unredeemed, it will be proper to make good to the Sinking Fund the annual sum of 870,000*l.* which would have been appropriated to the redemption of the different sums provided for in 1802, if that consolidation had not taken place, and if those sums had been accompanied by the usual redeeming fund of one-per-cent. And while, in this respect, the proposed Plan will revert to the original arrangements of the Sinking Fund, it will also conform to them by returning, with much greater advantage, to the principle of those provisions, by which relief would before this time have been obtained to the public by the limitation of the Sinking Fund, as established by the Act of 1786, and then restricted in its accumulation to the annual sum of four millions.

In connexion with this part of the subject, should be mentioned the great increase of the debt in unprovided Exchequer Bills, of late years; which may be considered as a departure from the spirit of the Sinking Fund Act of 1792. It was certainly the intention of that Act, that every increase of public debt, except mere temporary anticipations of income, should have a provision made for its extinction, at the time when it was incurred. But large sums, now amounting in the whole to 26,000,000*l.* have been raised at different times, and continued from year to year, in the shape of Exchequer Bills, without any provision for the extinction of the debt so created.

To remedy this inconvenience, the most proper method appears to be, that a sum should be annually granted to the Commissioners for the reduction of the National Debt, equal to one-per-cent on all unprovided Exchequer Bills outstanding on the 5th of January last, and should continue to be annually issued till they shall be funded, or otherwise permanently provided for. It is not probable that these Bills will ultimately be redeemed, otherwise than by conversion into funded debt; in which case the provision now made for their redemption, will be an anticipation of the Sinking Fund which would then be provided.

The mode of exercising this discretionary power of parliament to cancel such portions of debt as shall have been redeemed, may be varied as circumstances may require; but, during war, that which has been pointed out, appears to be most generally advantageous.

The effect of its adoption will therefore be stated in the first instance; after which it will be proper to take a view of the most beneficial application of which the principles of the plan may appear to be capable on the supposition of peace.

It is not intended to offer any opinion of the amount of the loans to be raised in future in the event of the continuance of the war: but for the purpose of illustrating the operation of the proposed Plan in comparison with that of the present system, in a variety of cases, Tables have been annexed, shewing the effects of each on different suppositions.

In the first it is assumed that the loans in future, for a great number of years, will be equal to that raised in 1812, which, including the Exchequer Bills funded, amounted to 28,000,000*l.* [See Table A. 1, 2, 3.]

To fund this sum at 5 per cent for four years to come, would, according to the present system, require the imposition of new taxes to the amount of nearly 7,500,000*l.*; and in the whole, to the year 1830, about which time the debt consolidated in 1802, would, at that rate of interest, be redeemed by the system now existing, taxes would be required, supposing the war to last so long, to the amount of upwards of 31,000,000*l.*

But according to the new Plan, it would require no taxes for the next four years, except about 1,1[illegible]0,000*l.* in the present year, for the purpose of making those immediate additions to the Sinking Fund, which have been above specified: and in the whole, to 1830, only about 18,000,000*l.* would be required.

The whole amount of the debt now existing would, by the present mode, be redeemed about 1845; by the new Plan, about 1837.

The Sinking Fund will be much greater according to the present Plan, than by that proposed, till about the year 1830, when the Consolidated Sinking Fund of 1802 will fall in, and an annual sum of twenty-one millions will be at once taken from it. Their subsequent progress will correspond more nearly, as the successive extinction of loans will operate on both. The new Plan will, however, continue more equable and uniform in its progress.

If the sum necessary to be raised should exceed 28,000,000*l.* the advantages of the new Plan, in point of taxation, would be somewhat diminished; but the redemption of the existing debt would be accelerated, and the Sinking Fund would increase more rapidly; and opposite effects would of course be produced, if the sums borrowed were diminished, or if they were obtained at a rate of interest below 5*l.* per cent. This is shewn by Tables pointing out the effects of a succession of loans of 25,000,000*l.* and of 12,000,000*l.* respectively, [See Tables B. 1, 2, 3, and C. 1, 2, 3.] which prove that in the latter case no taxes would be required, except those provided in the first year, till the complete redemption of the existing debt.

It may however reasonably be hoped, that even in the event of a continuance of the present rate of expence, the cessation of the imposition of taxes for some years, would have a considerable effect in improving the existing revenue, and consequently in lessening the amount to be borrowed. This has been in some degree experienced even in consequence of the partial relief from additional taxes, which has taken place since the year 1806. It should also be remarked, that such a saving of permanent taxes would create a comparative facility of increasing the war taxes, if such a measure should be thought advisable, as it probably may be in the event of an increase of expence or even of any considerable duration of its present amount. How far this may be expected, it would be rash to decide, and the supposition of any particular sum is assumed for illustration only, but it is by no means essential to the system itself, which will be found capable of being adapted to every variety of circumstances which can be expected to arise.

In the event of peace, the Sinking Fund would continue to accumulate at compound interest as at present, unless the inconveniences arising from the too rapid diminution of the rate of interest, should induce parliament to interfere by ordering the stock purchased by the Commissioners to be cancelled. This kind of interruption is not however peculiar to the new system; but must equally take place under the present mode of redemption, whenever its progress should be found to be too rapid. In case the present mode of redemption should be adhered to, such a change, whenever it might take place, would, however, be attended with the disadvantage of appearing to be a deviation from the established principles of the Sinking Fund, while in the former it would obviously be a consequence flowing from them. In either case it is highly important that sufficient security should be preserved for the ultimate redemption of the debt within 45 years from its creation, according to the provisions of the Act of 1792.

But the principal advantage of the proposed Plan, in time of peace, would be the facility of keeping in reserve the means of funding a large sum (suppose 100,000,000*l.*) as a resource in case of the renewal of hostilities.

This fund, which would be formed in a few years by the redeemed stock standing in the names of the Commissioners, would be continually increasing, unless checked in the manner above mentioned; and in no case should it be reduced below such a sum as may be thought amply sufficient to support the confidence of the country at home, and to maintain its dignity abroad. It would, indeed, be such a treasure, as no other country has ever possessed, and the first example of an immense accumulation of public property,

formed without the impoverishment of any individual, or any embarrassment of the general circulation.—For the sake of illustrating this part of the subject, a Table is annexed, which shews the application of the Plan to alternate periods of war and peace. [See Table D. 1, 2, 3.]

It may be observed, in favour of this Plan, that it is less liable than any other modification of the Sinking Fund, to be abused as a precedent for encroachment upon it; not only because it arises out of the principles of the Sinking Fund itself, but because it turns entirely on the application of the stock purchased by the Commissioners, which must, in any possible arrangement of the Sinking Fund, be cancelled, sooner or later; the only question being as to time and mode.

In considering this subject, we must not forget that the great and ultimate object of the Sinking Fund is, to relieve the nation from the burden of taxes which would be entailed upon it by the indefinite extension of the public debt. It answers other collateral purposes of considerable importance; but this is its direct and immediate object. Now, as it cannot be less important to prevent the immediate increase of taxes, than to provide for their future possible reduction, that would seem to be the best arrangement of a Sinking Fund, which, while it provided for the ultimate discharge of debt within a certain moderate period, afforded the earliest relief to the public, and limited the maximum of total charge within the narrowest compass.

Such are the leading considerations which have suggested the foregoing Plan, and the objects which it has been intended to effect. There is, however, no wish to disguise the weight, which the political circumstances of the present moment have had in recommending it; but on the contrary, a very confident persuasion, that the more fully those circumstances are investigated, the more they will be found to enforce the expediency of such a system.

The following TABLES, marked A. 1.—A. 2.—A. 3. B. 1.—B. 2.—B. 3. C. 1.—C. 2.—C. 3. D. 1.—D. 2.—D. 3, are intended to give a comparative View of The EXISTING SYSTEM, and The PROPOSED PLAN; so far as relates to the Amount of TAXES to be imposed in each Year,—The Amount of the SINKING FUND in each Year,—and, The successive REDEMPTION of all FUNDED DEBT—on different Suppositions.

Those parts of them which relate to the proposed Plan, all assume that an annual sum of 867,963*l.* equal to one per cent. on the amount of the stock provided for in 1802, and on which no Sinking Fund was then created, will be added to the Sinking Fund, and provided for by new permanent taxes: and also, that 260,000*l.* a year will be added to the Sinking Fund, in respect of unprovided Exchequer Bills. This latter sum is supposed to be supplied by new war taxes, to an equal amount; and these sums together make up the amount of 1,127,963*l.* for which taxes are stated in the Tables to be provided in the first year of the new Plan.

The several loans (except in Table C.) are supposed to be raised at 5 per cent. interest, with a Sinking Fund equal to one-third of the interest, being the proportion applicable, according to the Act of 1792, to a 3 per cent. stock, except in those cases, in which, by the proposed Plan, a larger Sinking Fund is required.

Table, A. 1.

Estimated ANNUAL and TOTAL AMOUNT of NEW TAXES, to be imposed according to the Existing SYSTEM, and according to the Proposed PLAN; on the Supposition of Annual Loans of £. 28,000,000 at £. 5 per cent. until the Redemption of all Funded Debt created prior to 1813.

	EXISTING SYSTEM.		PROPOSED PLAN.		EXCESS of TAXES, according to The Existing System.	Aggregate Amount of the Excess of Taxes, according to The Existing System.
	Annual.	*Total.*	*Annual.*	*Total.*		
1813	1,866,666	1,866,666	1,127,963	1,127,963	738,703	—
1814	1,866,666	3,733,332	- - -	1,127,963	2,605,369	3,344,072
1815	1,866,666	5,599,998	- - -	1,127,963	4,472,035	7,816,107
1816	1,866,666	7,466,664	- - -	1,127,963	6,338,701	14,154,808
1817	1,866,666	9,333,330	1,290,206	2,418,169	6,915,161	21,069,969
1818	1,866,666	11,199,996	676,775	3,094,944	8,105,052	29,175,021
1819	1,866,666	13,066,662	2,008,333	5,103,277	7,963,385	37,138,406
1820	1,866,666	14,933,328	1,995,833	7,099,110	7,834,218	44,972,624
*1821	1,800,000	16,733,328	1,987,500	9,086,610	7,646,718	52,619,342
1822	1,800,000	18,533,328	- - -	9,086,610	9,446,718	62,066,060
1823	1,800,000	20,333,328	624,431	9,711,041	10,622,287	72,688,347
1824	1,800,000	22,133,328	1,158,356	10,869,397	11,263,931	83,952,278
1825	1,800,000	23,933,328	1,979,166	12,848,563	11,084,765	95,037,043
1826	1,800,000	25,733,328	1,095,316	13,943,879	11,789,449	106,826,492
1827	1,800,000	27,533,328	618,013	14,561,892	12,971,436	119,797,928
1828	1,800,000	29,333,328	1,962,500	16,524,392	12,808,936	132,606,864
1829	1,800,000	31,133,328	210,342	16,734,734	14,398,594	147,005,458
1830	- - -	31,133,328	1,326,662	18,061,396	13,071,992	—
1831	- - -	31,133,328	886,706	18,948,102	12,185,226	—
1832	- - -	31,133,328	1,045,266	19,993,368	11,139,960	—
1833	- - -	31,133,328	724,656	20,718,024	10,415,304	—
1834	- - -	31,133,328	1,068,288	21,786,312	9,347,016	—
1835	- - -	31,133,328	1,163,211	22,949,523	8,183,805	—
1836	- - -	31,133,328	972,766	23,922,289	7,211,039	—
1837	- - -	31,133,328	434,563	24,356,852	6,776,476	—

* In 1821, the War Taxes pledged for the Loan of 1807 will, according to the Existing System at £. 5 per cent. be set at liberty by the Redemption of that Loan, and again become applicable to the Service of the year. The future Annual Loans are therefore reduced to £. 27,000,000 and the Charge thereby occasioned to £. 1,800,000; and from the year 1829, it is supposed that the Loans will be charged upon the Funds appropriated to the Consolidated Sinking Fund of 1802, which will fall in in 1830, and the several Loans which will fall in after that year; and therefore no further Taxes will be necessary.

Table, A. 2.

Estimated Amount of the SINKING FUND, at the 1st of August in each Year, according to the Existing SYSTEM, and according to the Proposed PLAN, upon the foregoing Suppositions.

	Existing System.	*Proposed Plan.**
1813	13,269,958	14,397,921
1814	14,423,455	13,647,817
1815	15,634,627	12,860,207
1816	16,906,357	12,033,217
1817	18,241,674	11,164,877
1818	19,643,757	11,607,837
1819	21,115,944	11,428,842
1820	22,661,740	12,639,033
1821	23,090,971	13,896,609
1822	24,718,019	15,208,314
1823	26,426,419	14,498,729
1824	28,220,239	14,409,318
1825	30,103,750	14,876,057
1826	32,081,437	16,227,984
1827	34,158,008	16,719,465
1828	36,338,408	16,734,351
1829	38,627,828	18,161,693
†1830	19,745,200	17,820,636
1831	21,204,960	18,634,662
1832	22,094,571	19,027,436
1833	23,671,799	19,606,337
1834	23,063,828	19,877,542
1835	23,494,319	20,523,121
1836	25,141,534	21,300,648
1837	26,858,638	21,917,084
1838	28,674,069	
1839	30,580,272	
1840	32,581,785	
1841	34,683,374	
1842	36,890,042	
1843	37,158,317	
1844	36,822,317	
1845	37,953,346	

* Throughout this Column, the Sinking Fund is shewn as increased by the addition of £.1,127,963 proposed to be made in the present year.

† In 1830, the Sinking Fund, according to the Existing System, is reduced from £.41,031,719, its amount on the 1st August of that year, to £.19,745,200 in consequence of the Redemption of the Debts consolidated by the Act of 1802.

A reduction of a similar nature, but of smaller amount, takes place on the Redemption of each subsequent Loan, the Period of which may be found in Table, A. 3.

Table, A. 3.

Statement of the Periods of Redemption of the FUNDED DEBT contracted prior to 1813, according to the Existing System, and according to the Proposed Plan; continuing the foregoing Suppositions.

LOANS.	*Existing System.*	*Proposed Plan.*
All prior to - 1793	1830	1813
Loan of - - - 1793	ditto	1813
1794	ditto	1814
1795	ditto	1816
1796	ditto	1818
1797	ditto	1822
1798	ditto	1823
1799	ditto	1824
1800	ditto	1826
1801	ditto	1827
1802	ditto	1829
1803	1832	1829
1804	1834	1830
1805	1834	1831
1806	1835	1832
1807 { War Tax Loan	1821	1833
1807 { Supply Loan -	1837	1833
1808	1844	1833
1809	1843	1834
1810	1843	1835
1811	1845	1836
1812	1844	1837

N.B. Supposing no further Loans to be contracted after the total Redemption of the Debt existing prior to 1813, and the Redemption of Debt to proceed thenceforward at £.3 per cent. compound interest, the Debt remaining unredeemed in the year 1845, according to the Existing System, would be wholly redeemed in the year 1891.

And the Debt remaining unredeemed in 1837, according to the Proposed Plan, would be wholly redeemed in the year 1870.

National Debt Office, Feb. 25th, 1813. } S. HIGHAM.

Table, B. 1.

Estimated ANNUAL and TOTAL AMOUNT of NEW TAXES, to be imposed according to the Existing SYSTEM, and according to the Proposed PLAN; on the Supposition of Annual Loans of 25 Millions at £. 5 per centum, until the Redemption of all Funded Debt created prior to 1813.——*N. B.* In this, and the following Tables, it has not been thought necessary to make allowance in the calculations which relate to the Proposed Plan, for the application within the first year of the Per-Centage provided for each Loan; the operation of which has, however, been attended to in Table A. and throughout all the calculations respecting the Existing System.

	EXISTING SYSTEM.		PROPOSED PLAN.		EXCESS of TAXES, according to The Existing System.	Aggregate Amount of the Excess of Taxes, according to The Existing System.
	Annual.	*Total.*	*Annual.*	*Total.*		
1813	1,666,666	1,666,666	1,127,963	1,127,963	538,703	- - -
1814	1,666,666	3,333,332	- - -	1,127,963	2,205,369	2,744,072
1815	1,666,666	4,999,998	- - -	1,127,963	3,872,035	6,616,107
1816	1,666,666	6,666,664	- - -	1,127,963	5,538,701	12,154,808
1817	1,666,666	8,333,330	156,872	1,284,835	7,048,495	19,203,303
1818	1,666,666	9,999,996	455,942	1,740,777	8,259,219	27,462,522
1819	1,666,666	11,666,662	1,787,500	3,528,277	8,138,385	35,600,907
1820	1,666,666	13,333,328	1,779,166	5,307,443	8,025,885	43,626,792
*1821	1,600,000	14,933,328	1,766,666	7,074,109	7,859,219	51,486,011
1822	1,600,000	16,533,328	- - -	7,074,109	9,459,219	60,945,230
1823	1,600,000	18,133,328	1,086,931	8,161,040	9,972,288	70,917,518
1824	1,600,000	19,733,328	858,333	9,019,373	10,713,955	81,631,473
1825	1,600,000	21,333,328	933,356	9,952,729	11,380,599	93,012,072
1826	1,600,000	22,933,328	882,816	10,835,545	12,097,783	105,109,855
1827	1,600,000	24,533,328	1,750,000	12,585,545	11,947,783	117,057,638
1828	1,600,000	26,133,328	397,179	12,982,724	13,150,604	130,208,242
1829	1,600,000	27,733,328	1,741,666	14,724,390	13,008,938	143,217,180
1830	- - -	27,733,328	- - -	14,724,390	13,008,938	—
1831	- - -	27,733,328	1,099,504	15,823,894	11,909,434	—
1832	- - -	27,733,328	670,039	16,493,933	11,239,395	—
1833	- - -	27,733,328	832,766	17,326,699	10,406,629	—
1834	- - -	27,733,328	1,147,940	18,474,639	9,258,689	—
1835	- - -	27,733,328	1,080,882	19,555,521	8,177,807	—
1836	- - -	27,733,328	843,288	20,398,809	7,334,519	—
1837	- - -	27,733,328	942,378	21,341,187	6,392,141	—
1838	- - -	27,733,328	747,766	22,088,953	5,644,375	—
1839	- - -	27,733,328	209,563	22,298,516	5,434,812	—

* In 1821, the War Taxes pledged for the Loan of 1807 will, according to the Existing System at £. 5 per centum, be set at liberty by the Redemption of that Loan, and again become applicable to the Service of the year. The future annual Loans are therefore reduced to £. 24,000,000 and the Charge thereby occasioned to £. 1,600,000; and from the year 1829, it is supposed that the Loans will be charged upon the Funds appropriated to the consolidated Sinking Fund of 1802, which will fall in in 1830, and the several Loans which will fall in after that year; and therefore no further Taxes will be necessary.

Table, B. 2.

Estimated Amount of the SINKING FUND at the 1st of August in each Year, according to the Existing System, and according to the Proposed PLAN; upon the foregoing Suppositions.

	Existing System.	*Proposed Plan.**
1813	13,269,958	14,397,921
1814	14,370,955	13,779,900
1815	15,527,002	13,130,770
1816	16,740,851	12,448,975
1817	18,015,392	11,732,673
1818	19,353,660	11,145,063
1819	20,758,842	10,841,888
1820	22,234,283	11,921,482
1821	22,589,641	13,046,722
1822	24,139,123	14,215,724
1823	25,766,079	13,588,593
1824	27,474,382	14,071,175
1825	29,268,101	14,339,066
1826	31,151,506	14,697,076
1827	33,129,081	15,021,178
1828	35,205,535	16,272,236
1829	37,385,811	16,165,802
1830	18,388,582	17,465,758
1831	19,728,011	17,002,379
1832	20,491,274	17,670,310
1833	21,935,837	17,920,908
1834	21,188,568	18,351,899
1835	21,472,796	19,141,730
1836	22,966,435	19,897,909
1837	24,522,284	20,442,681
1838	26,168,398	21,118,842
1839	27,896,817	21,624,938
1840	29,711,657	
1841	31,617,239	
1842	33,618,100	
1843	33,670,278	
1844	33,107,376	
1845	34,000,158	

* Throughout this Column, the Sinking Fund is shewn as increased by the addition of £.1,127,963 proposed to be made in the present year.

In 1830, the Sinking Fund, according to the Existing System, is reduced from £.39,675,101 to £.18,388,582 in consequence of the Redemption of the Debts consolidated by the Act of 1802.

A reduction of a similar nature, but of smaller amount, takes place on the Redemption of each subsequent Loan, the Period of which may be found in Table, A. 3.

Table, B. 3.

Statement of the Periods of Redemption of the FUNDED DEBT contracted prior to 1813, according to the Existing System, and according to the Proposed Plan; continuing the foregoing Suppositions.

LOANS.		*Existing System.*	*Proposed Plan.*
All prior to -	1793	1830	1813
Loan of - - -	1793	ditto	1813
	1794	ditto	1814
	1795	ditto	1816
	1796	ditto	1818
	1797	ditto	1822
	1798	ditto	1824
	1799	ditto	1825
	1800	ditto	1826
	1801	ditto	1828
	1802	ditto	1830
	1803	1832	1830
	1804	1834	1831
	1805	1834	1832
	1806	1835	1833
1807 { War Tax Loan		1821	1834
1807 { Supply Loan -		1837	1834
	1808	1844	1835
	1809	1843	1836
	1810	1843	1837
	1811	1845	1838
	1812	1844	1839

N.B. Supposing no further Loans to be contracted after the total Redemption of the Debt existing prior to 1813, and the Redemption of Debt to proceed thenceforward at £.3 per cent. compound interest, the Debt remaining unredeemed, in the year 1845, according to the Existing System, would be wholly redeemed in the year 1891.

And the Debt remaining unredeemed in 1839, according to the Proposed Plan, would be wholly redeemed in the year 1872.

National Debt Office, Feb. 25th, 1813. } S. HIGHAM.

Table, C. 1.

Estimated ANNUAL and TOTAL AMOUNT of NEW TAXES, to be imposed according to the Existing SYSTEM, and according to the Proposed PLAN; on the Supposition of Annual Loans of 12 Millions at £.3 per cent. until the Redemption of all Funded Debt created prior to 1813.

	EXISTING SYSTEM.		PROPOSED PLAN.		EXCESS of TAXES, according to The *Existing System.*	EXCESS of TAXES, according to The *Proposed Plan.*	Aggregate Amount of Taxes, according to *Existing System.*	Aggregate Amount of Taxes, according to *Proposed Plan.*
	Annual.	*Total.*	*Annual.*	*Total.*				
1813	480,000	480,000	1,127,963	1,127,963	- -	647,963	- - -	647,963
1814	480,000	960,000	- -	1,127,963	- -	167,963	- - -	815,926
1815	480,000	1,440,000	- -	1,127,963	312,037	- -	- - -	503,889
1816	480,000	1,920,000	- -	1,127,963	792,037	- -	288,148	—
1817	480,000	2,400,000	- -	1,127,963	1,272,037	- -	1,560,185	—
1818	480,000	2,880,000	- -	1,127,963	1,752,037	- -	3,312,222	—
1819	480,000	3,360,000	- -	1,127,963	2,232,037	- -	5,514,259	—
1820	480,000	3,840,000	- -	1,127,963	2,712,037	- -	8,256,296	—
1821	480,000	4,320,000	- -	1,127,963	3,192,037	- -	11,448,333	—
1822	480,000	4,800,000	- -	1,127,963	3,672,037	- -	15,120,370	—
1823	480,000	5,280,000	- -	1,127,963	4,152,037	- -	19,272,407	—
1824	480,000	5,760,000	- -	1,127,963	4,632,037	- -	23,904,444	—
1825	480,000	6,240,000	- -	1,127,963	5,122,037	- -	29,016,481	—
*1826	440,000	6,680,000	- -	1,127,963	5,552,037	- -	34,568,518	—
1827	440,000	7,120,000	- -	1,127,963	5,992,037	- -	40,560,555	—
1828	440,000	7,560,000	- -	1,127,963	6,432,037	- -	46,992,592	—
1829	440,000	8,000,000	- -	1,127,963	6,872,037	- -	53,864,629	—
1830	440,000	8,144,000	- -	1,127,963	7,312,037	- -	61,176,666	—
1831	440,000	8,880,000	- -	1,127,963	7,752,037	- -	68,928,703	—
1832	440,000	9,320,000	- -	1,127,963	8,192,037	- -	77,120,740	—
1833	440,000	9,760,000	- -	1,127,963	8,632,037	- -	85,752,777	—
1834	440,000	10,200,000	- -	1,127,963	9,072,037	- -	94,824,814	—
1835	440,000	10,640,000	- -	1,127,963	9,512,037	- -	104,336,851	—
1836	440,000	11,080,000	- -	1,127,963	9,952,037	- -	114,288,888	—
1837	440,000	11,520,000	- -	1,127,963	10,392,037	- -	124,680,925	—
1838	440,000	11,960,000	- -	1,127,963	10,832,037	- -	135,512,962	—
1839	440,000	12,400,000	- -	1,127,963	11,272,037	- -	146,784,999	—
1840	440,000	12,840,000	- -	1,127,963	11,712,037	- -	158,497,036	—

* In 1826, the War Taxes pledged for the Loan 1807 will, according to the Existing System at £.3 per cent. be set at liberty by the Redemption of that Loan, and again become applicable to the Service of the year. The future Annual Loans are therefore reduced to £.11,000,000, and the Charge thereby occasioned to £.440,000; and from the year 1840, it is supposed that the Loans will be charged upon the Funds appropriated to the Consolidated Sinking Fund of 1802, which will fall in in 1841, and the several Loans which will fall in after that year; and therefore no further Taxes will be necessary.

The rate of £.3 per cent. is assumed on the abovementioned suppositions, as shewing nearly the latest period to which the Redemption could be protracted, according to the Proposed Plan.

TABLE, C. 2.——Estimated Amount of the SINKING FUND at the 1st of August in each Year, according to the Existing System, and according to the Proposed Plan; upon the foregoing Suppositions.

	Existing System.	*Proposed Plan* *
1813	13,140,495	14,268,458
1814	13,658,309	14,322,111
1815	14,191,658	14,377,374
1816	14,741,007	14,434,295
1817	15,306,837	14,492,923
1818	15,889,642	14,553,310
1819	16,489,931	14,615,509
1820	17,108,228	14,679,574
1821	17,745,074	14,745,561
1822	18,401,026	14,813,527
1823	19,076,656	14,883,532
1824	19,772,555	14,955,637
1825	20,489,331	15,029,906
1826	20,633,755	15,106,403
1827	20,748,067	15,185,195
1828	21,483,808	15,266,350
1829	22,241,622	15,349,940
1830	23,022,170	15,436,038
1831	23,826,135	15,524,719
1832	24,654,219	15,616,060
1833	25,507,145	15,710,141
1834	26,385,659	15,807,015
1835	27,290,528	15,906,856
1836	28,222,543	16,009,661
1837	29,182,519	16,115,550
1838	30,171,294	16,224,616
1839	31,189,732	16,336,954
1840	32,238,723	16,452,662
1841	12,032,665	16,571,841
1842	12,506,944	16,694,596
1843	12,995,452	16,821,033
1844	12,855,478	16,951,263
1845	13,354,442	17,085,400
1846	13,868,375	17,223,562
1847	12,133,666	17,365,868
1848	12,610,975	17,512,444
1849	13,102,604	17,663,417
1850	12,413,782	17,818,919
1851	12,899,495	17,979,086
1852	13,399,779	18,144,058
1853	13,902,600	18,313,979
1854	14,432,978	18,488,998
1855	14,979,267	
1856	15,541,945	
1857	16,121,503	
1858	16,718,448	
1859	17,333,301	
1860	17,966,600	
1861	18,618,898	
1862	18,206,103	
1863	17,901,520	
1864	16,658,166	
1865	16,498,494	
1866	15,924,162	

* Throughout this Column, the Sinking Fund is shewn as increased by the addition of £.1,127,963 proposed to be made in the present year.

- - In 1841, the Sinking Fund, according to the Existing System, is reduced from £. 33,319,184 to £.12,032,665 in consequence of the Redemption of the Debts consolidated by the Act of 1802.—A Reduction of a similar nature, but of smaller amount, takes place on the Redemption of each subsequent Loan, the Period of which may be found in Table, C. 3

TABLE, C. 3.——Statement of the Periods of Redemption of the FUNDED DEBT contracted prior to 1813, according to the Existing System, and according to the Proposed Plan; continuing the foregoing Suppositions.

LOANS.	*Existing System.*	*Proposed Plan.*
All prior to - 1793	1844	1814
Loan of - - - 1793	ditto	1814
1794	ditto	1815
1795	ditto	1817
1796	ditto	1821
1797	ditto	1826
1798	ditto	1828
1799	ditto	1830
1800	ditto	1832
1801	ditto	1835
1802	ditto	1838
1803	1844	1839
1804	1847	1840
1805	1847	1842
1806	1850	1844
1807 { War Tax Loan	1826	1815
1807 { Supply Loan -	1853	1845
1808	1865	1846
1809	1862	1848
1810	1863	1850
1811	1866	1851
1812	1864	1854

N.B. Supposing no further Loans to be contracted after the total Redemption of the Debt existing prior to 1813, and the Redemption of Debt to proceed thenceforward at £. 3 per cent. compound interest, the Debt remaining unredeemed, in the year 1866, according to the Existing System, would be wholly redeemed in the year 1912.

And the Debt remaining unredeemed in 1854, according to the Proposed Plan, would be wholly redeemed in the year 1875.

National Debt Office, 25th Feb. 1813. } S. HIGHAM.

Table, D. 1.

Estimated Annual and Total Amount of New Taxes, to be imposed according to the Existing System, and according to the Proposed Plan; on the Supposition of the continuance of War until the year 1820, and from thence to be succeeded by alternate Periods of Ten Years of Peace and War.—Annual Loans of £. 25,000,000 at £. 5 per centum during War: Interest at £. 4 per centum during Peace.

		Existing System.		Proposed Plan.		Excess of Taxes, according to The Existing System.	Aggregate Amount of the Excess of Taxes, according to The Existing System.
		Annual.	*Total.*	*Annual.*	*Total.*		
WAR.	1813	1,666,666	1,666,666	1,127,963	1,127,963	538,703	—
	1814	1,666,666	3,333,332	- - -	1,127,963	2,205,369	2,744,072
	1815	1,666,666	4,999,998	- - -	1,127,963	3,872,035	6,616,107
	1816	1,666,666	6,666,664	- - -	1,127,963	5,538,701	12,154,808
	1817	1,666,666	8,333,330	156,872	1,284,835	7,048,495	19,203,303
	1818	1,666,666	9,999,996	455,942	1,740,777	8,259,219	27,462,522
	1819	1,666,666	11,666,662	1,787,500	3,528,277	8,138,385	35,600,907
PEACE.	1820	- - -	11,666,662	- - -	3,528,277	8,138,385	43,739,292
	1821	* - -	11,666,662	- - -	3,528,277	8,138,385	51,877,677
	1822	- - -	11,666,662	- - -	3,528,277	8,138,385	60,016,062
	1823	- - -	11,666,662	- - -	3,528,277	8,138,385	68,154,447
	1824	- - -	11,666,662	- - -	3,528,277	8,138,385	76,292,832
	1825	- - -	11,666,662	- - -	3,528,277	8,138,385	84,431,217
	1826	- - -	11,666,662	- - -	3,528,277	8,138,385	92,569,602
	1827	- - -	11,666,662	- - -	3,528,277	8,138,385	100,707,987
	1828	- - -	11,666,662	- - -	3,528,277	8,138,385	108,846,372
	1829	- - -	11,666,662	- - -	3,528,277	8,138,385	116,984,757
WAR.	1830	1,600,000	13,266,662	- - -	3,528,277	9,738,385	126,723,142
	1831	1,600,000	14,866,662	- - -	3,528,277	11,338,385	138,061,527
	1832	- - -	14,866,662	- - -	3,528,277	11,338,385	—
	1833	- - -	14,866,662	- - -	3,528,277	11,338,385	—
	1834	- - -	14,866,662	- - -	3,528,277	11,338,385	—
	1835	- - -	14,866,662	- - -	3,528,277	11,338,385	—
	1836	- - -	14,866,662	917,199	4,445,476	10,421,186	—
	1837	- - -	14,866,662	1,118,382	5,563,858	9,302,804	—
	1838	- - -	14,866,662	880,788	6,444,646	8,422,016	—
	1839	- - -	14,866,662	979,878	7,424,524	7,442,138	—

* In 1821, the War Taxes pledged for the Loan of 1807 will, according to the Existing System at £. 5 per cent. be set at liberty by the Redemption of that Loan, and again become applicable to the Service of the year. The future Annual Loans are therefore reduced to £. 24,000,000 and the Charge thereby occasioned to £. 1,600,000; and from the year 1831, it is supposed that the Loans will be charged upon the Funds appropriated to the Consolidated Sinking Fund of 1802, which will fall in in 1832, and the several Loans which will fall in after that year; and therefore no further Taxes will be necessary.

TABLE, D. 2.——Estimated Amount of the SINKING FUND at the 1st of August in each Year, according to the Existing SYSTEM, and according to the Proposed PLAN, upon the foregoing Suppositions.

	Existing System.	*Proposed Plan.**
1813	13,269,958	14,397,921
1814	14,370,955	13,779,900
1815	15,527,002	13,130,770
1816	16,740,851	12,448,975
1817	18,015,392	11,732,673
1818	19,353,660	11,145,063
1819	20,758,842	10,841,888
1820	22,231,283	11,921,482
1821	21,929,799	12,398,341
1822	22,806,990	12,894,274
1823	23,719,269	13,410,044
1824	24,668,039	13,946,445
1825	25,654,760	14,504,302
1826	26,680,950	15,084,474
1827	27.748,188	15,687,852
1828	28,858,115	16,315,366
1829	30,012,439	16,967,980
1830	31,212,936	17,646,699
1831	33,193,582	17,192,575
†1832	13,986,712	16,715,537
1833	15,106,079	16,214,438
1834	15,638,245	15,688,076
1835	16,003,485	15,135,188
1836	15,796,271	14,554,147
1837	15.810,884	14,907,520
1838	17,021,428	15,489,488
1839	18,280,027	15,851,289
1840	19,614,028	16,335,433
1841	20,398,589	16,988,850
1842	21,214,532	17,668,404
1843	22,063,113	18,375,140
1844	22,945,637	
1845	23,863,462	
1846	22,769,273	
1847	21,786,344	
1848	21,885,081	
1849	21,577,898	

* Throughout this Column, the Sinking Fund is shewn as increased by the addition of £. 1,127,963 proposed to be made in the present year.

† In 1832, the Sinking Fund, according to the Existing System, is reduced from £. 35,273,261, to £. 13,986,742 in consequence of the Redemption of the Debts consolidated by the Act of 1802.

A reduction of a similar nature, but of smaller amount, takes place on the Redemption of each subsequent Loan, the Period of which may be found in Table, C. 3.

TABLE, D. 3.——Statement of the Periods of Redemption of the FUNDED DEBT contracted prior to 1813, according to the Existing System, and according to the Proposed Plan; continuing the foregoing Suppositions.

LOANS.	*Existing System.*	*Proposed Plan.*
All prior to - 1793	1832	1813
Loan of - - 1793	ditto	1813
1794	ditto	1814
1795	ditto	1816
1796	ditto	1818
1797	ditto	1823
1798	ditto	1825
1799	ditto	1826
1800	ditto	1828
1801	ditto	1830
1802	ditto	1831
1803	1834	1832
1804	1835	1833
1805	1836	1834
1806	1837	1835
1807 { War Tax Loan	1821	1836
1807 { Supply Loan -	1839	1836
1808	1848	1837
1809	1846	1838
1810	1846	1839
1811	1849	1841
1812	1847	1843

N.B. Supposing no further Loans to be contracted after the total redemption of the Debt existing prior to 1813, and the redemption of Debt to proceed thenceforward at £. 3 per cent. compound interest, the Debt remaining unredeemed, in the year 1849, according to the Existing System, would be wholly redeemed in the year 1883.

And the Debt remaining unredeemed in 1843, according to the Proposed Plan, would be wholly redeemed in the year 1869.

National Debt Office, } S. HIGHAM.
25th Feb. 1813.

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(at which time the Parliamentary Debates commence).

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